



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

**MONDAY, JUNE 12, 2023
2:30 P.M.**

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://cityofberkeley-info.zoomgov.com/j/1619554457>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter Meeting ID: **161 955 4457**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

Written communications submitted by mail or e-mail to the Agenda & Rules Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: May 30, 2023**
- 2. Review and Approve Draft Agenda:**
 - a. 6/27/23 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8a. Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**
- 8b. Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

Unscheduled Items

- 9. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 10. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 11. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Monday, June 26, 2023

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### Additional items may be added to the draft agenda per Council Rules of Procedure.

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee prior to the meeting.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.*

#### COMMUNICATION ACCESS INFORMATION:



This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, June 8, 2023.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING MINUTES**

TUESDAY, MAY 30, 2023

2:30 P.M.

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room

5273 Soledad Mountain Road, San Diego, CA 92109 – Teleconference Location

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Ben Bartlett

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Roll Call: 2:39 p.m. All present.

Public Comment – 3 speakers

Review of Agendas

1. Approval of Minutes: May 22, 2023

Action: M/S/C (Wengraf/Hahn) to approve the minutes of 5/22/23.

Vote: Ayes – Wengraf, Hahn; Noes – None; Abstain – Arreguin.

2. Review and Approve Draft Agenda:

a. 6/13/23 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Wengraf/Hahn) to approve the agenda of 6/13/23 with the changes noted below.

- *Item Added: Measure T1 Funding Gap (City Manager) – Added to Action Calendar*
- *Item Added: CalPERS Contract Adoption (City Manager) – Added to Consent Calendar*
- *Item Added: Streetlight Assessment (City Manager) – Added to Consent Calendar*

Order of Action Items

Item 20 BERA Amendments

Item 21 Budget Hearing

Item 22 Surveillance Ordinance

Item 23 Measure T1 Funding Gap

Vote: All Ayes.

3. Selection of Item for the Berkeley Considers Online Engagement Portal

- None Selected

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule – received and filed

6. Council Referrals to Agenda Committee for Scheduling – received and filed

7. Land Use Calendar – received and filed

Referred Items for Review

8. Status of In-Person Meetings of City Legislative Bodies

Action: 2 speakers. General update on current ongoing efforts to expand connectivity and technology at meeting locations. Staff will continue to review ADA and Brown Act regulations related to remote participation and report back as needed. Item removed as standing agenda item.

Unscheduled Items

9. **Discussion of Potential Changes and Enhancements to the City Council Legislative Process including the concepts referred by Council at the March 14, 2023 meeting**

Action: Moved to Referred Items for Review for June 12 meeting.

10. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**

11. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**

12. **Discussion Regarding Design and Strengthening of Policy Committee Process and Structure (Including Budget Referrals)**

Action: Moved to Referred Items for Review for June 12 meeting.

Items for Future Agendas

- Add item regarding use of Berkeley Considers to Unscheduled List

Adjournment

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.

Vote: All Ayes.

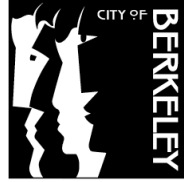
Adjourned at 3:38 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on May 30, 2023.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING

Tuesday, June 27, 2023
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

TELECONFERENCE LOCATION - SHERATON GATEWAY LOS ANGELES HOTEL,
 6101 WEST CENTURY BOULEVARD, LOS ANGELES, CA 90045

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
 DISTRICT 2 – TERRY TAPLIN
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
 DISTRICT 6 – SUSAN WENGRAF
 DISTRICT 7 – RIGEL ROBINSON
 DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244.

*Remote participation by the public is available through Zoom. To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL: <<INSERT ZOOM for GOV URL HERE>>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

Please be mindful that the meeting will be recorded and all rules of procedure and decorum apply for in-person attendees and those participating by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email council@cityofberkeley.info.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Bird Safe Building Requirements; Adding Berkeley Municipal Code Section 23.304.150

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,864-N.S. adding Berkeley Municipal Code Section 23.304.150 establishing Bird Safe Building requirements (“bird safe requirements”) for projects that require a building permit.

First Reading Vote: Ayes – Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Humbert, Arreguin; Noes – None; Abstain – None; Absent – Bartlett.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

2. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of May1 (Closed), May 2 (Special), May 8 (Closed), May 9 (Regular), May 15 (Closed), May 16 (Special and Special WS) and May 23 (Special and Regular).

Financial Implications: None

Contact: Mark Numainville, City Clerk, (510) 981-6900

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on June 27, 2023

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

Financial Implications: Street Light Poles for FY 2023 Fund - \$400,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 4. FY 2024 Tax Rate: Fund Fire Protection and Emergency Response and Preparedness (Measure GG)**
From: City Manager, City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding Fire Protection and Emergency Response and Preparedness in the City of Berkeley at the rate of \$0.06062 (6.062 cents) per square foot of improvements for dwelling units and setting the rate for all other property at \$0.09173 (9.173 cents) per square foot of improvements.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, David Sprague, Fire, (510) 981-3473
- 5. FY 2024 Special Tax Rate: Fund the Provision of Library Services**
From: City Manager, City Manager
Recommendation: Adopt first reading of an Ordinance setting the FY 2024 tax rate for funding the provision of Library Services in the City of Berkeley at \$0.2698 (26.98 cents) per square foot for dwelling units and \$0.4080 (40.80 cents) per square foot for industrial, commercial, and institutional buildings.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300, Tess Mayer, Library, (510) 981-6100
- 6. Appropriations Limit for FY 2024**
From: City Manager
Recommendation: Adopt a Resolution establishing the appropriations limit at \$342,803,053 for FY 2024 pursuant to Article XIIB of the Constitution of the State of California based on the calculations for the appropriations limit.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 7. Revisions to the Debt Management and Disclosure Policy**
From: City Manager
Recommendation: Adopt a Resolution accepting revisions to the Debt Management and Disclosure Policy.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 8. FY 2024 Reaffirming the Investment Policy and Designation of Investment Authority**
From: City Manager
Recommendation: Adopt a Resolution reaffirming the current Investment Policy (no revisions are recommended) and to confirm the delegation of investment authority to the Director of Finance to make investments for FY 2024.
Financial Implications: None
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

**9. Contract: ZOLL Medical Corporation for ECG Monitor/Defibrillator Support
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all amendments with Zoll Medical Corporation for data storage, preventative maintenance and service of X-Series Electrocardiogram (ECG) Monitor / Defibrillators for emergency response vehicles from July 1, 2023 to June 30, 2025 in an amount not to exceed \$106,000.

Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

**10. Contract: Stryker Corp. Preventative Maintenance and Service
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments, with Stryker Corporation to provide preventative maintenance and service to the Departments mechanical Cardio Pulmonary Resuscitation (CPR) units for three years from August 1, 2023 until August 1, 2026 in the amount not to exceed \$62,000.

Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

**11. Contract: US Digital Designs for Fire Station Emergency Alerting System
From: City Manager**

Recommendation: Adopt a Resolution authorizing the City Manager to execute a piggyback contract and any amendments with US Digital Designs using the National Purchasing Partners (NPP) contract No. 2020 in an amount not to exceed \$1,600,000 for the purchase, installation and maintenance of a Fire Station Emergency Alerting System from July 12, 2023 through June 2, 2026.

Financial Implications: Various Funds - \$1,600,000
Contact: David Sprague, Fire, (510) 981-3473

12. Contract No. 32300112 Amendment: Harold Dichoso COVID-19 Outreach and Education.

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300112 with Harold Dichoso, to extend the contract end date through June 30, 2024 and increase the not-to-exceed amount (NTE) by \$35,000 utilizing one-time grant funds. The amendment will increase the NTE amount from \$90,000 to \$125,000.

Financial Implications: See report
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

13. Fiscal Year 2023 Community Development Block Grant (CDBG) Public Facility Improvement Program Funds for Insight Housing's (formerly Berkeley Food and Housing Project (BFHP)) Dwight Way Center

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to: 1. Allocate \$680,000 of FY 2023 federal CDBG funds available to the Public Facility Improvement Program, to Insight Housing (IH) to rehabilitate IH's Dwight Way Center (DWC); and 2. Execute all resultant agreements and amendments with IH for the above-mentioned funds; and 3. Recapture any unspent CDBG funds awarded to IH for the resulting contract, if the funds are not spent by June 30, 2024.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

14. Dell Computers, Inc.: Using County of Riverside Amendment No. 1 to the Licensing Solution Provider Agreement with Dell Marketing L.P. for Computer Hardware and Software Purchases

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to increase spending authority with Dell Computers, Inc. for the purchase of computer and server hardware, software, and related services, utilizing pricing and contracts, amendments, and extensions from the County of Riverside Amendment No. 1 to the Licensing Solution Provider for the period beginning November 1, 2019 through October 31, 2024 for an amount not-to-exceed (NTE) \$1,939,538 in Fiscal Year 2024.

Financial Implications: See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

15. Contract No. 10549B Amendment: Tyler Technologies Enterprise Resource Planning System for ongoing software licensing, maintenance services, and disaster recovery services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10549B with Tyler Technologies for software licensing, maintenance services, and disaster recovery services for the online Enterprise Resource Planning (ERP) system for the amount not to exceed \$1,000,000 and a total contract value not to exceed \$4,705,342.68 from April 1, 2017 to June 30, 2025.

Financial Implications: See report

Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

16. Contract: R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the West Side Aquatic Park Tree Planting and Irrigation Project, Specification No. 23-11587-C; and 2. Accepting the bid of the lowest responsive and responsible bidder, R.X. Lodge, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with R.X. Lodge, Inc. for the West Side Aquatic Park Tree Planting and Irrigation Project in an amount not to exceed \$263,000, which includes a contract amount of \$213,000 and a 23.5% contingency in the amount of \$50,000.

Financial Implications: \$263,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

17. Grant Application: USDA Forest Service – Berkeley Urban Forestry Project

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to submit a grant application in the amount of up to \$3,000,000 to the federal USDA Forest Service grant program for the Berkeley Urban Forestry Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize up to \$3,000,000 in local in-kind match, including up to \$500,000 in local cash match, and authorizes the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.

Financial Implications: Revenue - \$3,000,000

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

18. Donation: Two Memorial Benches at Cesar Chavez Park in memory of Richard & Gloria Crocker

From: City Manager

Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$6,800 for two memorial benches to be placed at Cesar Chavez Park in memory of Richard and Gloria Crocker.

Financial Implications: Revenue - \$6,800

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

19. Contract: Citygate for Police Department Staffing and Workload Study

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Citygate Associates, LLC (Contractor) to provide a staffing and workload study from June 30, 2023 to June 30, 2024, in an amount not to exceed \$120,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$200,000.

Financial Implications: General Fund - \$200,000

Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

20. **Contracts: On-Call Survey Services**

From: City Manager

Recommendation: Adopt three Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call survey services for capital improvement projects and the Engineering Division, each for a period of July 1, 2023 through June 30, 2026:

1. Cunha Surveying, Inc. (Cunha) in an amount not to exceed \$400,000;
2. Kister, Savio & Rei, Inc. (KSR) in an amount not to exceed \$400,00;
3. MNS Engineers, Inc. (MNS) in an amount not to exceed \$400,000.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

21. **Contracts: On-Call Geotechnical and Engineering Testing Services**

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager to execute the following contracts and any amendments for on-call geotechnical and engineering testing services for capital improvement projects, each for a period of July 1, 2023 through June 30, 2026:

1. BSK Associates (BSK), for an amount not to exceed \$400,000;
2. Inspection Services, Inc. (ISI), for an amount not to exceed \$400,000;
3. Ninyo & Moore, for an amount not to exceed \$400,000;
4. Alan Kropp & Associates (Alan Kropp), for an amount not to exceed \$150,000;
5. Fisher Geotechnical, for an amount not to exceed \$150,000.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

22. **Contract: Bay Cities Paving & Grading, Inc. for Southside Complete Streets Project**

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Southside Complete Streets Project ("Project"), Specification No. 23-11572-C, Federal Aid Project No. CMSTPL-5057(051); 2. Accepting the bid of Bay Cities Paving & Grading, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Bay Cities Paving & Grading, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$12,973,925, which includes a 20% contingency for unforeseen circumstances.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 23. Contract: Downtown Streets Team for Hand Sweeping, Graffiti and Litter Abatement, Poster Removal, and Low Barrier Volunteer Work Experience Program**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract, and any amendments or extensions, with Downtown Streets Team for hand sweeping, graffiti and litter abatement, poster removal, and low barrier volunteer work experience program. The contract will be in an amount not to exceed \$1,625,500 for the period August 1, 2023 through August 30, 2027.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 24. Contract Amendment: Trip Stop Sidewalk Repair, Inc. for FY 2020 Sidewalk Inspection and Shaving Services Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000147 with Trip Stop Sidewalk Repair, Inc. (Trip Stop) for FY2020 Sidewalk Inspection and Shaving Services, increasing the contract amount by \$835,969 for a total not-to-exceed amount of \$2,285,969.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 25. Adoption - Civic Center Phase II - Design Concept**
From: City Manager
Recommendation: Adopt a Resolution approving Berkeley's Civic Center Design Concept Plan, and declaring Council's intention to support the preferred design concept and necessary future studies and projects articulated in the plan.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 26. Ground Lease Agreement – RM Ventures LLC, d.b.a In the Wood Grill and Bar for Nonexclusive Use of Elmwood Parking Lot Pedestrian Paseo**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a ground lease agreement with RM Ventures LLC d.b.a., In the Wood Grill and Bar for the nonexclusive use of a portion of the Elmwood Parking Lot Pedestrian Access Path ("Paseo"), a City-owned midblock pedestrian path connecting the City's Elmwood Parking Lot to College Avenue in the Elmwood Neighborhood Shopping District, for an initial term of ten (10) years with one optional ten (10) year lease extension.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 27. SteelWave donation for pedestrian safety improvements in West Berkeley**
From: City Manager
Recommendation: Adopt a Resolution accepting \$40,000 cash donation for the Addison Bike Boulevard project and Vision Zero traffic safety improvements in West Berkeley from SteelWave LLC.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 28. goBerkeley SmartSpace Pilot Program Evaluation & Next Steps**
From: City Manager
Recommendation: Adopt a Resolution directing staff to maintain SmartSpace visitor paid parking in the Southside and employee parking permits in the Elmwood; adopt a Resolution updating existing schedule of parking violations and fines to include parking violations and late payment penalties related to pay-by-plate pay stations in the SmartSpace area and enforcing transit-only lanes, and rescinding Resolution 68,902-N.S.; and direct staff to incorporate into existing Residential Preferential Parking (RPP) referral(s) an assessment of the use of visitor paid parking and/or employee parking permits in other RPP areas.
Financial Implications: See report.
Contact: Liam Garland, Public Works, (510) 981-6300
- 29. Approving Proposed Projects Anticipated to be paid for by the State's Road Maintenance and Rehabilitation Account Funds for FY 2023-24**
From: City Manager
Recommendation: Adopt a Resolution approving a proposed list of projects that will utilize funding from the State of California's Road Maintenance and Rehabilitation Account, and authorize the City Manager to submit the proposed list to the California Transportation Commission.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 30. Extending the Community Workforce Agreement with Building & Construction Trades Council, et al., for Construction Projects Over \$500,000**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment to the Community Workforce Agreement with the Alameda County Building & Construction Trades Council, and twenty-two labor organizations on City capital improvement projects with an estimated value in excess of \$500,000 to extend the agreement through June 30, 2026.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

31. Establishment of a Sister City Relationship with Las Vegas, Santa Bárbara, Honduras

From: Peace and Justice Commission

Recommendation: Adopt a Resolution establishing a sister city relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras.

Financial Implications: None

Contact: Okeya Vance-Dozier, Commission Secretary, (510) 981-7100

Council Consent Items

32. Berkeley Food Utility and Access Resilience Measure (FARM) (Reviewed by the Health, Life Enrichment, Equity, & Community Committee)

From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Hahn (Co-Sponsor)

Recommendation:

1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.

2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.

3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

Policy Committee Recommendation: To send the item to Council with a positive recommendation.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

33. Street Pavement Painting: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including \$1000.00 from Vice Mayor Bartlett, to Healthy Black Families, Inc. for the Ellis Street art renovation. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

34. Support for AB-660 Food Labeling (Assemblymember Irwin)

From: Councilmember Wengraf (Author)

Recommendation: Adopt a Resolution in support of AB-660 Food Labeling: quality dates, safety dates, and sell by dates (Assemblymember Jacqui Irwin), and send copies to Assembly Members Irwin and Wicks and Senator Skinner.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Scheduled Public Comment Period

During this public comment period, the Presiding Officer will open and close a comment period for each Action item on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters). The public may speak on each item. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

Action Calendar – Public Hearings

35. Public Hearing on Zero Waste Five-Year Rate Schedule

From: City Manager

Recommendation: Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution setting FY 2024-2028 rates for residential and commercial refuse, compost, and recycling collection.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

36. Biennial Syringe Services Report

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, accept the Biennial Syringe Services Report.

Financial Implications: See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

37. Approval and Levy of 2018 Clean Stormwater Fee in FY 2024

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the proposed adjusted fees for the 2018 Clean Stormwater Fee and ordering the levy of the fees in Fiscal Year 2024.

Financial Implications: See report.

Contact: Liam Garland, Public Works, (510) 981-6300

38. Levy and Collection of Fiscal Year 2024 Street Lighting Assessments

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt Resolutions confirming the assessments for the Berkeley Street Lighting Assessment District No. 1982-1 and the Street Lighting Assessment District 2018, approving the Engineer's Reports, and authorizing the levying and collection of assessments in Fiscal Year 2024.

Financial Implications: See report

Contact: Liam Garland, Public Works, (510) 981-6300

Action Calendar – Old Business

39. **Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses** *(Continued from May 23, 2023)*

From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor), Councilmember Harrison (Co-Sponsor), Councilmember Humbert (Co-Sponsor)

Recommendation:

1. Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and
2. Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.
3. Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

Financial Implications: Loss of tax revenue

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action Calendar – New Business

40. **FY 2024 Proposed Budget Update Adoption**

From: City Manager

Recommendation: Adopt a Resolution: 1. Adopting the FY 2024 Proposed Budget Update (“FY 24 Proposed Budget”) as presented to Council on May 16, 2023, and as amended by subsequent Council action. 2. Authorizing the City Manager to provide applicable advances to selected community agencies receiving City funds in FY 2024, as reflected in Attachment 2 to the report, and as amended by subsequent Council action.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

41. **FY 2024 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt first reading of an Ordinance adopting the FY 2024 Annual Appropriations Ordinance (AAO) in the amount of \$718,932,025 (gross appropriations) and \$610,760,531 (net appropriations).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action Calendar – New Business

- 42. Borrowing of Funds and the Sale and Issuance of FY 2023-24 Tax and Revenue Anticipation Notes**
From: City Manager
Recommendation: Adopt a Resolution approving the borrowing of \$25,000,000 and the sale and issuance of Fiscal Year 2023-24 Tax and Revenue Anticipation Notes.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 43. Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley**
From: Disaster and Fire Safety Commission
Recommendation: The Disaster and Fire Safety Commission (DFSC) is requesting that Berkeley City Council strongly recommend that The Department of Housing and Urban Development (HUD) owned Harriet Tubman Terrace Apartments install solar battery back-up battery capability to meet the medical needs of their residents during loss of electrical power and consider the same action for other HUD properties in Berkeley.
Financial Implications: None
Contact: Keith May, Commission Secretary, (510) 981-3473

Action Calendar – Policy Committee Track Items

- 44. Contract No. 32000196 Amendment: Szabo & Associates for Communications Consulting Services**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.
Financial Implications: General Funds - \$78,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 45. Reparations Now Community Art Mural Restoration and Preservation**
From: Councilmember Bartlett (Author)
Recommendation: In recognition of the intention to restore a celebrated public art mural led and supported by the community in South Berkeley, we ask the Council preserve and protect the Reparations Now mural on Ellis Street (next to Malcolm X Elementary School) to continue the legacy of educational spaces for all community members to view it in the City of Berkeley.
Financial Implications: None
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action Calendar – Policy Committee Track Items

- 46. Adopt an Ordinance Adding Chapter 12.39 to the Berkeley Municipal Code to Regulate Deconstruction and Construction Materials Management**
From: Councilmember Harrison (Author)
Recommendation:
1. Adopt an ordinance adding Chapter 12.39 to the Berkeley Municipal Code to regulate management of deconstruction and construction materials.
 2. Refer to the November 2023 Budget AAO Process \$[x] to administer and enforce the ordinance.
 3. Refer to the City Attorney’s Office to conduct a nexus fee study for a potential social cost of carbon fee applied to landfilled construction and demolition debris.
- Financial Implications:** See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Information Reports

- 47. Voluntary Time Off Program for Fiscal Year 2024**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- 48. Status Report - Berkeley’s Financial Condition (FY 2012 – FY 2021): Pension Liabilities and Infrastructure Need Attention**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000
- 49. FY 2023 Third Quarter Investment Report: Ended March 31, 2023**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 50. Update on the Implementation of Fair and Impartial Policing Task Force Recommendations**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900
- 51. Zero Waste Commission Fiscal Year 2023-24 Work Plan**
From: Zero Waste Commission
Contact: Julia Heath, Commission Secretary, (510) 981-6300

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use*

permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

Archived indexed video streams are available at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at <https://berkeleyca.gov/>.

Agendas and agenda reports may be accessed via the Internet at:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>
and may be read at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@cityofberkeley.info

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 15, 2023.***



Mark Numainville, City Clerk





Peace and Justice Commission

CONSENT CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Peace and Justice Commission  
Submitted by: Grace Morizawa, Chair, Peace and Justice Commission  
Subject: Establishment of a Sister City Relationship with Las Vegas, Santa Bárbara, Honduras

RECOMMENDATION

Adopt a Resolution establishing a sister city relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras.

SUMMARY

The Peace and Justice Commission is tasked with recommending the establishments of new Sister Cities. Las Vegas, Santa Bárbara, Honduras has approached Berkeley with the request of becoming a Sister City. Certain criteria must be met to become a Sister City, which Las Vegas, Honduras meets.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Pursuant to Resolution 56,069-N.S., the City of Berkeley has an established criterion for the establishment of a Sister City relationship. Below is a list of what the proposal must require:

- A) A description of the proposed sister city, township, or community; and
- B) A list of similarities between Berkeley and the proposed sister community;
- C) An explanation of why this particular sister city should be selected by showing how it fits the below listed criteria.

There are seven criteria points that must be met:

- 1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley; and

- 2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship; and
- 3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District; and
- 4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley’s interest in such a relationship; and
- 5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
- 6) There should be no direct nor indirect costs to the City of Berkeley; and
- 7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City.

At its regular meeting May 1, 2023, the Peace and Justice Commission adopted the following recommendation proposing the establishment of a sister city relationship with Las Vegas, Santa Bárbara, Honduras.

- M/S/C: Lippman, Jaquin.
- Ayes: Bohn, Jacquelin, Lippman, Morizawa.
- Noes: None.
- Abstain: Maran.
- Absent: Lee, Gussmann.

**BACKGROUND**

Berkeley currently has 15 active Sister City relationships throughout the world, including two with Native American tribes. There are no Sister Cities in Honduras. The first establishment of a Sister City was in 1967 with Sakai, Japan, and latest took place in 2018, with Gonju, Republic of Korea.

The municipality of Las Vegas has sent two delegations to the City of Berkeley over the past several months to talk about setting up a Sister City relationship. The SHARE Foundation has also been in communication with the Mayor’s offices in both Berkeley and Las Vegas, Honduras on the creation of such a relationship.

**A. List of criteria****1) The Sister City relationship should benefit the human rights, health, safety, culture, and education of the citizens of Berkeley**

There currently is no Sister City located in Honduras. Establishing one would provide new opportunities to experience the Honduran culture and share ideas that can mutually benefit our cities on a variety of fronts.

**2) New opportunities for exchange programs, cultural enrichment or curriculum enhancement should result from the relationship**

The proposal would proposal calls for mutual visits of delegations, with residents of Las Vegas, Honduras in Berkeley for our festivals, cultural events and community gardens with our community learning about the efforts to bring back cultural activities lost to Las Vegas under the previous government, and the campaign "Vamos a la Milpa," developing family and community gardens to provide food independence. There are also several student exchange programs which are described below.

**3) From these new opportunities, there should accrue direct benefits to the students of the Berkeley Unified School District**

Discussions have already begun with Berkeley elementary schools and Berkeley High for teacher and student delegations to share the rich music program in the Berkeley schools and a vision of the mayor of Las Vegas, "Guitars and Violins for Las Vegas," which has become a national campaign with the partnership of SHARE Foundation to bring music to all of the schools in Honduras. Las Vegas will send their students to Berkeley to see BUSD's rich educational opportunities and music program first hand.

**4) It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship**

There have been many Berkeley residents, churches, and organizations who have been working with the population of Honduras over the past decade, in the shadows of the oppression and corruption of the previous national government, and will continue traveling to Honduras to work with the current government for the betterment of the Honduran people. The president-elect invited SHARE to her inauguration because she wanted the world to see that the relationship is only stronger now.

**5) It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship**

There have been twelve SHARE delegations to Honduras in the past four years, including many individuals and organizations representing Berkeley. SHARE Foundation has participated in a radio program on Radio Progreso (Honduran national non-profit radio), speaking to the Honduran people every Monday for three years.

**6) There should be no direct nor indirect costs to the City of Berkeley**

The SHARE Foundation and partnering organizations take responsibility for fundraising for any expenses related to this agreement. SHARE has raised significant funds over the years to support the work in Honduras.

**7) The Sister City relationship should increase the harmony in Berkeley and be in the best interests of the City**

Berkeley has a large Central American community that includes Hondurans who have come to love our city, and our Berkeley residents who have made the journey have fallen in love with Honduras and have developed deep friendships with individuals and organizations that will only get stronger with this agreement.

ENVIRONMENTAL SUSTAINABILITY

No environmental effects.

RATIONALE FOR RECOMMENDATION

Establishing a new Sister City, the first in five years, would continue Berkeley’s legacy of being an international city.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission’s Report.

CONTACT PERSON

Okeya Vance-Dozier, Peace and Justice Commission Secretary, City Manager’s Office  
510-529-5376

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

ESTABLISHING A SISTER CITY RELATIONSHIP WITH THE MUNICIPALITY OF LAS VEGAS IN THE SANTA BÁRBARA DEPARTMENT OF HONDURAS

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice, and initiates and develops cultural and educational foreign exchange (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, the Peace and Justice Commission has been charged by the Berkeley City Council with reviewing proposals for new Sister City relationships; and

WHEREAS, the SHARE Foundation presented a proposal for a Sister City relationship with the municipality of Las Vegas in the Santa Bárbara department of Honduras;<sup>1</sup> and

WHEREAS, the Peace and Justice Commission has concluded that the proposal meets the City's criteria for establishing a Sister City, namely:

1. The Sister City relationship should benefit the human rights, health, safety, culture and education of the citizens of Berkeley; and
2. New opportunities for exchange programs, cultural enrichment, or curriculum enhancement should result from the relationship; and
3. From these new opportunities there should accrue direct benefits to the students of the Berkeley Unified School District; and
4. It should be demonstrated that a sufficient number of Berkeley residents are committed to pursuing this relationship, and that such a group is also capable of representing Berkeley's interest in such a relationship; and
5. It should be demonstrated that a sufficient number of residents in the proposed Sister City are committed to, and capable of, sustaining the relationship; and
6. There should be no direct or indirect costs to the City of Berkeley; and

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<sup>1</sup> The city of Berkeley has maintained a long relationship with Central America during the war years, including establishing a formal sister relationship with San Antonio Los Ranchos in El Salvador, and declaring Berkeley as a Sanctuary City for Central American refugees.

The city of Berkeley is the home of the original five sanctuary congregations that helped launch the national sanctuary movement, the East Bay Sanctuary Covenant, which continues to serve thousands of Central American refugees annually, and the SHARE Foundation, which has maintained sister-relationships across the region for more than 40 years

7. The Sister City relationship should increase the harmony in Berkeley and be in the best interest of the City; and

WHEREAS, Mayor Victor Hugo Tejada of the municipality of Las Vegas has expressed to the Berkeley City Council his municipality's desire for a Sister City relationship with Berkeley in a regular Council meeting on April 25, 2023.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley hereby approves the establishment of a Sister City relationship with the Municipality of Las Vegas in the Santa Bárbara department of Honduras.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley asks the Peace and Justice Commission to coordinate with the SHARE Foundation to create the sister city committee and to look for ways to strengthen solidarity and friendship activities with the city of Las Vegas, Santa Bárbara, Honduras.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the city clerk to forward a copy of this resolution to Mayor Victor Hugo Tejado of Las Vegas, Santa Bárbara in Honduras; U.S. Secretary of State Antony Blinken; and to Berkeley's congressional representatives.




**BEN BARTLETT**
**VICE MAYOR**
CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Vice Mayor Ben Bartlett (Author), Mayor Jesse Arreguin, Councilmember Kate Harrison, and Councilmember Sophie Hahn (Co-Sponsors)  
 Subject: Berkeley Food Utility and Access Resilience Measure (FARM)

### RECOMMENDATION

1. Refer to the City Manager the task of protecting the City's food supply from natural disasters and economic disruptions by promoting the efforts of community-based organizations to design and implement an integrated local food production and distribution system for the City of Berkeley.
2. Refer to the City Manager and the Office of Economic Development resources to research and return to the Council potential economic incentives for non-profits, agricultural producers, and small businesses to partner with the City of Berkeley to support the implementation of FARM.
3. Adopt a resolution to support the goals of the FARM initiative and the development of hyperlocal urban food production with community-based organizations.

### POLICY COMMITTEE RECOMMENDATION

On May 8, 2023, the Health, Life Enrichment, Equity, & Community Committee adopted the following action: M/S/C (Bartlett/Taplin) to send the item to Council with a positive recommendation. Vote: All Ayes.

### BACKGROUND & CURRENT SITUATION

To support food resilience for the residents, the City of Berkeley should adopt a "hyper-local" in place of a "local" approach to food production and distribution. Food labeled as "local" receives its definition from a provision of the Farm Act from 2008. Under that law, a food item is deemed local when "the total distance that the product is transported is less than 400 miles from the origin or the product."<sup>1</sup> Hence, under this definition, fruits and vegetables sourced from Southern California are still considered "local" to the City of Berkeley. Given the recent floods that have destroyed many homes, lands, and crops, there is an urgent need to develop a program for stronger food resilience in California.<sup>2</sup>

The FARM initiative, on the other hand, supports the development of *hyper-local* urban

<sup>1</sup> Food, Conservation, and Energy Act of 2008 (June 18, 2008)  
<https://www.govinfo.gov/content/pkg/PLAW-110publ246/pdf/PLAW-110publ246.pdf>

<sup>2</sup> Staff, RICH RODRIGUEZ | . KMPH. "It's Just a Mess': California Farmers Growing Concerned over Lingering Flood Waters." *KRCR*, 27 Mar. 2023, <https://krcrtv.com/news/videos/its-just-a-mess-california-farmers-growing-concerned-over-lingering-flood-waters-pistachio-trees-kings-county-farm-breckenridge-corcoran-tule-river-deer-creek-cal-fire>.

food production to support community resilience in Berkeley. Hyper-local produce is food grown right in a community's backyard and available for purchase and consumption at local markets and restaurants. The benefit of being a hyper-local food supplier is that produce can be harvested and delivered on the same day. This results in food being fresh longer than produce delivered from long distances and lessening the risk of supply chain disruption. For example, Gotham Greens in New York City produces hyper-local commercial food via urban rooftop gardens. Opportunities for hyper-local and building "Agri-hoods" (urban neighborhoods focused on local food production) continue to grow. This includes communities integrating food production into neighborhood design, with hyper-local methods of urban agriculture including SPIN Farming, (small plot intensive) vertical farming, and rooftop growing. According to Curtis Stone, SPIN farming expert and author of "The Urban Farmer" and, urban farmers can earn \$75,000 on 15,000 Square Feet and can grow between 6,000 to 7,000 pounds of food on 1/10th of an acre. The City of Berkeley is 17 square miles or approximately 11,000 acres.<sup>3</sup> One scenario envisions using distributed local production and SPIN farming to cultivate 5% of Berkeley's total acreage. Assuming a yield of 7,000 pounds of produce per 1/10<sup>th</sup> of an acre, the scenario would provide 38 million pounds of fresh produce a year. While not enough to fully support the entire city, it is a significant step forward to food resilience, particularly for the 20,000 low-income individuals in the community.

By March of 2023, the emergency allotment for low-income individuals and households enrolled in the Federal Supplemental Nutrition Assistance Program (SNAP) will end.<sup>4</sup> This change comes at a time of historic inflation, with food prices increasing by 10%. According to Cal Policy Research, 10% of students in the UC System access SNAP Benefits, which helps students make ends meet while attending university.<sup>5</sup> The FARM Initiative sets the framework to not only increase the production and supply of fresh produce in Berkeley, but also to facilitate group buying power for SNAP participants in Berkeley, to help lower the cost, support local growers, and help the community eat healthier.

Berkeley is home to the local foods revolution, yet thousands of Berkeley residents are food insecure. Natural disasters and economic downturns exacerbate this insecurity, and climate change increases the likelihood and severity of food supply interruption.

Berkeley has the framework for food resiliency through its successful farmers' markets; service providers who have been providing meals to homeless individuals since the early 1970s; community groups like Consider the Homeless and Food Not Bombs, which distribute food to homeless populations; and the Berkeley Food Network (BFN). Founded in 2016 in collaboration

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<sup>3</sup> Maki, Olivia, How Urban Farmers Can Earn \$75,000 on 15,000 Square Feet (February 29, 2016)

<https://civileats.com/2016/02/29/how-urban-farmers-curtis-stone-earns-75000-on-15000-square-feet/>

<sup>4</sup> "McCorvey, J., and Rob Wile. ""With Foods Stamp Cuts just Days Away, Millions of Americans Brace for Tougher Times Int He Grocery Aisle" Feb 26, 2023 [https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article\\_3e070c3e-b616-11ed-a950-0f3c90f9985b.html](https://www.nbcrightnow.com/national/with-food-stamp-cuts-just-days-away-millions-of-americans-brace-for-tougher-times-in/article_3e070c3e-b616-11ed-a950-0f3c90f9985b.html)

<sup>5</sup> California Community College and University of California student participation in CalFresh food benefits (February 23, 2022) <https://www.capolicylab.org/california-community-college-and-university-of-california-student-participation-in-calfresh-food-benefits/>

with community organizations, BFN promotes access to nutritional food by using “innovative, community-centered solutions to build a more sustainable, resilient, and equitable food system.”<sup>6</sup>

The City should preemptively safeguard its residents from a food supply chain interruption through a Food Utility and Access Resilience Measure (FARM). The FARM initiative achieves food resilience by (1) developing hyper-local food production sources; (2) connecting these sources to each other and local community hubs, including food banks, grocery stores, restaurants, and schools; and (3) powering hyper-local food production sources using renewable energy with battery backup storage that can operate despite disruptions to the main power grid. These efforts will be assisted by the requirements under SB 1383, which requires restaurants and grocery stores to compost leftover food. These businesses would benefit from having a lower-cost method of disposing of still-fresh but excess food.

### 1. Community resilience

Government planners are faced with an emergent set of existential threats to populations and infrastructure. Many threats stem from the rapid advancement of climate change, with the increasing frequency of extreme weather events, such as hurricanes, tornadoes, floods, droughts, and fires. In addition to climate disasters, disaster preparedness must brace for pandemics, electrical failure, targeted violence, cyber-attacks, water and energy infrastructure failure, sea level rise, supply chain breakdown, and food insecurity. These threats arise from various sources and therefore require a systems-level approach that addresses all the possible points of failure in an urban food supply chain.

Accordingly, policymakers are embracing new emergency preparedness and disaster mitigation models centered on equity and resilience at the community level (community resilience). Community resilience refers to the ability of a community to withstand and recover from disruptions, such as natural disasters, economic downturns, or health crises. Community resilience leverages local community networks; local knowledge; local communication channels; local resources; and local bodies of governance and leadership.

### 2. Food resilience

One component of community resilience is food resilience, which refers to the ways in which a community can ensure its members have access to healthy and nutritious food, even during times of crisis. This can involve a variety of strategies, such as growing food locally, supporting local agriculture, building community gardens, developing food storage and preservation facilities, and forming relationships with local food producers. By building a resilient local food system, communities can reduce their

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<sup>6</sup> Berkeley Food Network, *About BFN*, (last accessed Jan. 5, 2023), <https://berkeleyfoodnetwork.org/who-we-are/about/>.

reliance on remote sources of food and ensure that they are able to continue providing sustenance for residents, even during challenging times.

FARM’s development of a local, resilient food system empowers the City of Berkeley to achieve one of its key Climate Action Plan goals. Adopted in 2009, the Climate Action Plan calls for the “majority of food consumed in Berkeley” to be produced locally.<sup>7</sup> By creating a network of local food production, FARM lays the foundation for local, higher-yield production of nutritious food that the City can scale up to meet its goal. This environmental objective is intertwined with resilience. Lowering the distance between the location of production and consumption improves the ability to supply food to the people of Berkeley despite disruptions to transportation.

The State of California and the U.S. Federal Government are increasingly incorporating food resilience in disaster planning and view food security as foundational to any resilience effort. For example, California’s budget for the fiscal year 2022-23 allocates \$477 million toward agricultural resilience measures, including climate-friendly agriculture, soil health, water efficiency, and wildfire prevention.<sup>8</sup>

Additionally, California’s Strategic Growth Council (SGC) has called for local-level resilience through its Community Resilience Centers (CRC) program. The CRC program will “fund new construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies . . . .”<sup>9</sup>

At the federal level, President Joe Biden signed National Security Memorandum-16 (NSM-16) in November 2022 “to strengthen the security and resilience of United States food and agriculture.” NSM-16 provides a process for identifying and assessing threats to food security, strengthens relationships with the private sector, and promotes systems that respond to disruptions in the food sector.<sup>10</sup>

### 3. Food is a fundamental human right.

It has been often said, “There are only nine meals between mankind and anarchy.” And Vladimir Lenin said, “Every society is three meals away from chaos.” Like air and water, food is essential for survival and the only commodity that cannot be postponed. When social, economic, or ecological barriers block access to nutritious

<sup>7</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>8</sup> Arohi Sharma, *FY22 California Budget Invests in Agricultural Resilience*, NRDC (Sep. 21, 2022), <https://www.nrdc.org/experts/arohi-sharma/fy22-california-budget-invests-food-farm-resilience>.

<sup>9</sup> Cal. Strategic Growth Council, *SGC Launches Development of Community Resilience Centers (CRC) Program*, (July 5, 2022), <https://sgc.ca.gov/news/2022/07-05.html>.

<sup>10</sup> See National Security Memorandum on Strengthening the Security and Resilience of United States Food and Agriculture, (Nov. 10, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/10/national-security-memorandum-on-on-strengthening-the-security-and-resilience-of-united-states-food-and-agriculture/>.

food, people suffer. Food-insecure individuals have higher rates of mental health issues, and hungry children attain lower academic achievement than their peers.<sup>11</sup>

The United Nations recognizes the fundamental right to food for all. At its core, this right is the right to “all nutritional elements” necessary to live a “healthy and active life” and to the means to access these elements.<sup>12</sup> The access portion of this right focuses on physical and economic access.<sup>13</sup>

The U.S. federal government has failed to legally recognize such a right, but some states have made progress. In 2021, the State of Maine recognized the right to food in its constitution.<sup>14</sup> The amendment declares that “all individuals have the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health, and well-being.”<sup>15</sup> This amendment follows Maine’s 2017 Food Sovereignty Act, which built a food sovereignty foundation by permitting municipal governments to regulate local food systems with the guarantee of state recognition.<sup>16</sup>

#### 4. Food insecurity rates are rising in the Bay Area.

Food insecurity is a growing crisis throughout the U.S.. The U.S. Department of Agriculture (USDA) defines food insecurity as “a household-level economic and social condition of limited or uncertain access to adequate food.”<sup>17</sup> The USDA found that in 2020, almost 14 million households (10.5% of the population) did not have enough food to meet their needs. In California alone, more than 4 million people were reported to be food insecure in May 2022,<sup>18</sup> and in the Bay Area, food insecurity is increasing. In 2018, the San Francisco Chronicle reported that 11.5% of Bay Area residents, 870,000 people, were food insecure.<sup>19</sup> The economic and public health impacts of COVID-19 exacerbated food insecurity. A 2021 study by San Jose State University found that Bay Area food

<sup>11</sup> Arohi Pathak, Ryan Richards & Marc Jarsulic, *The United States Can End Hunger and Food Insecurity for Millions of People*, Center for American Progress Action Fund (Aug. 11, 2022), <https://www.americanprogress.org/article/the-united-states-can-end-hunger-and-food-insecurity-for-millions-of-people/>.

<sup>12</sup> Off. of the High Comm’r for Hum. Rts., *The Right to Adequate Food*, Fact Sheet No. 34 (Apr. 2010), <https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet34en.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> Tess Brennan, *Maine Becomes the First US State to Recognize the Right to Food in a Constitutional Amendment*, Universal Rts. Grp. Geneva (Jan. 19, 2022), <https://www.universal-rights.org/blog/maine-becomes-the-first-us-state-to-recognise-the-right-to-food-in-a-constitutional-amendment/>.

<sup>15</sup> *Id.*

<sup>16</sup> *See id.*

<sup>17</sup> USDA, *Definitions of Food Security*, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/>.

<sup>18</sup> Toni Koraza, *California to Face a Devastating Crisis*, NewsBreak (May 5, 2022), <https://original.newsbreak.com/@toni-koraza-561162/2590989189701-california-to-face-a-devastating-crisis>.

<sup>19</sup> Tara Duggan, *How Families Slip Through*, San Francisco Chronicle (Nov. 18, 2018), <https://www.sfchronicle.com/food/article/The-hidden-hungryA-Bay-Area-paradox-13379274.php>.

insecurity rates spiked from 20% to 33% from the beginning of the COVID-19 pandemic to March 2021.<sup>20</sup>

In Berkeley and Albany pre-pandemic, an estimated 24,000 individuals were food insecure.<sup>21</sup> The demand for food aid in Berkeley increased sharply during the pandemic, forcing the Berkeley Food Network (BFN) to *triple* its operations in the first half of 2020.<sup>22</sup>

Although many households are still bearing the economic impacts of COVID-19, the USDA is cutting SNAP benefits (CalFresh) to pre-pandemic levels after the February 2023 issuance.<sup>23</sup> This deduction comes at a time of record-high food inflation; the U.S. Bureau of Labor Statistics reported that prices for food at home increased by 13.5% in the 12 months ending in August 2022.<sup>24</sup> This spike is “the largest 12-month percentage increase since the period ending in March 1979.”<sup>25</sup>

The growing demand for food aid in Berkeley, coupled with recent reductions in government food benefits, highlights the fragility of the degree of food accessibility at any given time. If there is a disruption in the food supply chain, households that are already food insecure will face even greater barriers to food access. Further, the COVID-19 pandemic demonstrated that disruption would drastically increase the number of households that are food insecure. Without a safety net to insulate our community from these devastating supply chain shocks, a large proportion of households would find themselves in a struggle to survive.

5. *Natural disasters, climate change, and foreign conflicts further threaten food access.*

Climate change, natural disasters, and increasing global conflict jeopardize the world’s food security. The market for food spans internationally, so disruptions in one region send ripple effects, in the form of food scarcity or price shocks, throughout the rest of the food supply chain. The supply chain is fragile; it only takes a disruption in one of the chain’s many links for consumers to lose access to healthy food.<sup>26</sup> Recognizing the supply chain's vulnerability, the USDA built a Food System Transformation framework to

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<sup>20</sup> Giselle Pignotti et al., *Food Insecurity and Food Access during COVID-19 in the San Francisco Bay Area*, San Jose State Univ. (Mar. 2021).

<sup>21</sup> Berkeley Food Network, *Programs*, (last accessed Dec. 20, 2022), <https://berkeleyfoodnetwork.org/what-we-do/programs/>.

<sup>22</sup> Berkeley Food Network, *Major Hunger-Relief Investment Will Help Alleviate Growing Food Insecurity in Berkeley*, (May 19, 2020), <https://berkeleyfoodnetwork.org/major-hunger-relief-investment-will-help-alleviate-growing-food-insecurity-in-berkeley/>.

<sup>23</sup> USDA, *Changes to SNAP Benefit Amounts - 2023*, (updated on Feb. 17, 2023), <https://www.fns.usda.gov/snap/changes-2023-benefit-amounts>.

<sup>24</sup> Bureau of Labor Statistics, *Prices for Food at Home Up 13.5 Percent for Year Ended August 2022*, *The Economics Daily* (Sep. 15, 2022), <https://www.bls.gov/opub/ted/2022/prices-for-food-at-home-up-13-5-percent-for-year-ended-august-2022.htm>.

<sup>25</sup> *Id.*

<sup>26</sup> Mario Lubetkin, *2021 Revealed the Fragility of Food Systems*, ReliefWeb (Dec. 16, 2021), <https://reliefweb.int/report/world/2021-revealed-fragility-food-systems>.

create a more resilient food network.<sup>27</sup> Climate change reduces food availability and is exacerbated by transporting food long distances that could be grown locally.

The COVID-19 pandemic disrupted “all segments of food supply chains,” including farming, food processing, transportation, and final demand.<sup>28</sup> At the farming level, labor-intensive farms – those producing crops like fruits and vegetables – suffered from production shortages when their sick workers were unable to work.<sup>29</sup> Labor shortages also inhibited food processing facilities, with many reporting high rates of worker absences during the pandemic.<sup>30</sup> Necessary pandemic measures severely impacted the transportation of fruits and vegetables. Fruits and vegetables are perishable foods with a “high value-to-weight ratio,” so they are transported on passenger planes. Declines in passenger air travel thus caused bottlenecks in fruit and vegetable transportation.<sup>31</sup> The last step in the supply chain is getting food to consumers. When consumers lost their jobs due to the initial economic downturn in 2020, they lost economic access to food, endangering those without social safety nets.

Like the COVID-19 pandemic, other natural disasters threaten global food security by disrupting agriculture production, food availability, and food accessibility. A survey on natural disasters between 2003 and 2013 by the Food and Agriculture Organization of the United Nations “showed 25% of disaster-related losses are in agriculture sectors . . .”<sup>32</sup> The impact of a natural disaster depends on the type of natural disaster that occurs. For example, researchers report that droughts in China cut wheat yields by 5.8% over 30 years.<sup>33</sup>

These dangers hit close to home. A report by leading conservation research group NatureServe found that California, Texas, and the southeastern United States are where the highest percentages of plants, animals, and ecosystems are at risk.<sup>34</sup> Droughts are a growing danger in California that reduces usable farmland. In 2022, California’s irrigated farmland shrank by 752,000 acres (nearly 10%) compared with

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<sup>27</sup> USDA, *USDA Announces Framework for Shoring Up the Food Supply Chain and Transforming the Food System to Be Fairer, More Competitive, More Resilient*, (June 1, 2022), <https://www.usda.gov/media/press-releases/2022/06/01/usda-announces-framework-shoring-food-supply-chain-and-transforming>.

<sup>28</sup> OECD, *Food Supply Chains and COVID-19: Impacts and Policy Lessons*, (June 2, 2020), <https://www.oecd.org/coronavirus/policy-responses/food-supply-chains-and-covid-19-impacts-and-policy-lessons-71b57aea/>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> James Ducker, *Investigating the Impact of Disasters on Food and Agriculture*, AZO Life Sciences (last updated Nov. 26, 2021), <https://www.azolifesciences.com/article/Investigating-the-Impact-of-Disasters-on-Food-and-Agriculture.asp>.

<sup>33</sup> Shi et al., *Crop Yield and Production Responses to Climate Disasters in China*, 750 *Science of the Total Environment* (2021).

<sup>34</sup> Brad Brooks, *Huge Chunk of Plants, Animals in U.S. at Risk of Extinction - Report*, Yahoo!News (Feb. 6, 2023), <https://news.yahoo.com/exclusive-huge-chunk-plants-animals-090952175.html>.



2019, the year before the drought.<sup>35</sup> The amount of fallowed farmland in 2022 surpassed the peak during California's last drought, which lasted from 2012 to 2016.<sup>36</sup>

While droughts are long-term natural disasters with creeping effects, wildfires can impact the supply chain immediately. During the 2020 California wildfires, the intense smoke made it unsafe for farm workers and livestock to be outdoors.<sup>37</sup> Without workers, farms had to plow under many crops, meaning these crops never reached consumers. Additionally, the wildfires destroyed vital land where farmers grew food; the fires destroyed the existing crops and contaminated the soil, jeopardizing future harvests.<sup>38</sup>

War can also disrupt the food supply chain. The Russian invasion of Ukraine, one of the world's biggest wheat and corn producers, caused many countries to skyrocket food prices.<sup>39</sup> The invasion halted Ukrainian exports and damaged Ukraine's rail infrastructure. As a result, large quantities of grain were trapped in Ukraine, preventing the entire 2022 harvest from having adequate storage space.<sup>40</sup> This supply shock affected countries throughout the world, including India, Egypt, and South Korea. Further, Russia was one of the top exporters of fertilizers before the invasion. Stricter controls on Russian exports caused the price of fertilizer to spike worldwide, leading farmers to reduce their planned harvests.<sup>41</sup>

## 6. Food Citizenship

"Food citizenship" describes the rights and responsibilities that individuals have in relation to the food they eat and produce. Food citizenship can include making informed choices about food purchases and consumption, supporting sustainable and ethical food systems, and advocating for food policies that prioritize the health and well-being of individuals and the environment. Food citizenship can also involve taking action to address issues such as food waste, hunger, and access to healthy food in underserved communities. Essentially, being a food citizen means actively engaging in the food system and working toward creating a more sustainable and equitable food system for all.

Food citizenship can play an important role in promoting community resilience by supporting local food systems and promoting food security. When communities have

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<sup>35</sup> Ian James, 'It's a Disaster.' *Drought Dramatically Shrinking California Farmland, Costing \$1.7 Billion*, Los Angeles Times (Nov. 23, 2022), <https://www.latimes.com/environment/story/2022-11-23/drought-cost-california-agriculture-1-7-billion-this-year>.

<sup>36</sup> *Id.*

<sup>37</sup> Phil Lempert, *California Wildfires: The Enormous Effect on Our Food Supply*, Retail Dietitians Bus. Alliance (Dec. 9, 2020), <https://www.retaildietitians.com/articles/california-wildfires-the-enormous-effect-on-our-food-supply/>.

<sup>38</sup> *Id.*

<sup>39</sup> Rob Garver, *Global Food Prices Rise with Ukraine-Russia Agreement in Doubt*, VOA News (Oct. 31, 2022), <https://www.voanews.com/a/global-food-prices-rise-with-ukraine-russia-agreement-in-doubt-/6813606.html>.

<sup>40</sup> Dea Bankova, Prasanta Kumar Dutta & Michael Ovaska, *The War in Ukraine is Fuelling a Global Food Crisis*, Reuters (May 30, 2022), <https://graphics.reuters.com/UKRAINE-CRISIS/FOOD/zjvqkgomjvx/>.

<sup>41</sup> *Id.*



access to healthy and sustainable food sources, they are better able to withstand and recover from disruptions, such as natural disasters or economic downturns.

If a community is able to grow or produce its own food, it is less dependent on outside sources and can continue to provide for itself in the event of a supply chain disruption. Additionally, supporting local food systems can help to boost the local economy and create jobs, which can increase the overall resilience of the community.

Further, food citizenship can promote food justice and equity within a community, ensuring that all members have access to healthy and affordable food. This can reduce food insecurity and prevent vulnerable populations from being disproportionately affected by disruptions to the food system.

7. *A food resilience system could insure Berkeley against disruptions in the food supply chain.*

Building a food resilience system *before* a supply chain disruption protects food-insecure households and prevents more households from becoming food insecure. Food resilience is the ability to withstand and recover from disruptions to food access in a way that ensures a sufficient supply of acceptable and accessible food for all.<sup>42</sup>

8. *FARM as a Community Food Utility: Overview*<sup>43</sup>

The mission of FARM is to foster a resilient food system that can withstand supply chain shocks and ensure all people in the community have access to adequate amounts of wholesome, nutritious foods produced by ecologically sound and socially responsible means. FARM would be a chartered public utility based on the concept of food citizenship, similar to the existing utilities for energy and water systems. FARM would have three major components: a) Community Layer, b) Food Production Layer, and c) Energy Resilience.

a. Community Layer

Growing food locally promotes physical access to food in times of crisis. To ensure that enough food is locally grown, it is critical to connect community gardens, backyard gardens, and other urban farms into a production network with delivery centers.

i. Community Gardens and Backyard Gardens

The FARM should create a network of community gardens and backyard gardens in order to support community resilience by providing local food sources, fostering social connections, and promoting environmental sustainability.

<sup>42</sup> Johns Hopkins Center for a Livable Future, *Food System Resilience*, <https://clf.jhsph.edu/projects/food-system-resilience>.

<sup>43</sup> Ikerd, J. (n.d.). *Enough Good Food For All; A Community Food Utility*. Communityfoodutility. Retrieved January 4, 2023, from <https://sites.google.com/site/communityfoodutility?pli=1>

Community gardens and backyard gardens can provide communities with a local source of fresh, healthy, and affordable produce. This can help to increase food security and reduce dependency on outside sources, making communities more resilient in the face of disruptions to the food supply chain. One backyard garden can provide food for up to six families.

Community gardens can also provide a space for community members to come together and engage in productive, healthy activities. This can help to build social connections and a sense of community, which are important for promoting resilience in the face of challenges.

Furthermore, community gardens and backyard gardens help to promote environmental sustainability and resilience by providing a space for growing food using sustainable and environmentally-friendly practices. This can help to reduce the community's overall ecological footprint and make it more resilient in the face of environmental challenges.

ii. Synchronizing Local Food Production with Food Banks, Restaurants, Schools, and Grocery Stores

Yields from local food production can be distributed to local food banks, restaurants, schools, and grocery stores. This omnichannel production and distribution model has two key benefits. First, it ensures that locally produced food is not wasted. Second, it provides a source of feedback for FARM because restaurants, schools, and grocery stores can provide guidance to FARM for improvements in usability, quantity, and quality.

iii. Supplemental Nutrition Assistance Program (SNAP)

The community layer should incorporate a SNAP group-buying mechanism whereby SNAP recipients can deposit assistance funds into a FARM account. In return, the FARM would ensure that each recipient received enough good food to meet their basic needs, regardless of the amount of their individual SNAP payment. Some non-profit organizations are currently operating in this manner.<sup>44</sup>

b. Production Layer

Additionally, FARM would partner with urban agriculture companies and nonprofits with experience and expertise in producing high crop yields with accelerated harvest velocity in urban settings. The yields from these producers could supplement yields from existing community gardens while minimizing seasonal fluctuations and other disruptions in the supply chain.

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<sup>44</sup> See e.g., *Community Resilience Centers*, CA.gov (last accessed Nov. 30, 2022), <https://sgc.ca.gov/programs/community-resilience-centers/>.

To increase local food production, the City would offer certain economic incentives to urban agriculture companies to co-locate within the City of Berkeley. In exchange for these incentives, companies would agree to give the City Most Favored Nation (“MFN”) status, with the right of first refusal and right of first offer on the companies’ food items in the event of a local food supply chain disruption event (food shock). As discussed below, the FARM board will institute policies that define a food shock that triggers the MFN agreement. For example, the board may define a food shock to include a week-long interruption of certain food staples at two grocery stores.

Recent innovations continue to mitigate the historical limitations of urban agriculture: land, labor, and potential yield. A study on urban farms in New York City found that the crops in urban farms produced higher yields than their conventional farm counterparts, thus making up for the spatial limitations that urban farms may face.<sup>45</sup> Additionally, peri-urban farming, which produces substantial amounts of food on a relatively small amount of land on the fringes of a city, has emerged as a space-efficient form of urban agriculture.<sup>46</sup> Gotham Greens addresses the yield limit issue by growing crops inside greenhouses with hydroponic technology. Gotham Greens’ greenhouses are located near cities, allowing for proximity to communities while avoiding real estate constraints.<sup>47</sup> Closer to home, Upside Foods has opened a production facility to produce high-quality laboratory-grown meat at scale.<sup>48</sup>

i. Controlled Environment Agriculture (CEA)

CEA is an indoor food production method that uses stacked shelves, modular rack systems, or tower gardens to increase crop yields using less surface area significantly.<sup>49</sup> Technologies such as ultra-efficient LED lighting, automated environmental control systems, and dehumidification recapture loops can dramatically reduce resource consumption, including consumption of energy, water, and nutrients. Photographs of such technologies are included in Attachment 1.

Exceptional yields and multiple harvests per year make indoor farming economically viable and sustainable over time. These two factors are

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<sup>45</sup> Mara Gittleman et al., *Using Citizen Science to Quantify Community Garden Crop Yields*, 5 *Cities and the Environment* (2012), <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1095&context=cate>.

<sup>46</sup> Ina Optiz et al., *Contributing to Food Security in Urban Areas: Differences Between Urban Agriculture and Peri-Urban Agriculture in the Global North*, 33 *Agriculture and Human Values* (2016), <https://link.springer.com/article/10.1007/s10460-015-9610-2>.

<sup>47</sup> Gotham Greens, *Our Story*, <https://www.gothamgreens.com/our-story/>.

<sup>48</sup> Katie Spalding, *World’s Most Advanced Lab-Grown Meat Facility Opens in California*, *IFL Science* (Nov. 8, 2021), <https://www.iflscience.com/worlds-most-advanced-labgrown-meat-facility-opens-in-california-61548>.

<sup>49</sup> Sarah Federman, *Vertical Farming for the Future*, *USDA* (Oct. 25, 2021), <https://www.usda.gov/media/blog/2018/08/14/vertical-farming-future>; see e.g., Gardyn, *How It Works*, (last accessed Mar. 3, 2023), <https://mygardyn.com/how-it-works/>.

possible because indoor farming creates an environment for resource-efficient methods such as aeroponics<sup>50</sup> (i.e., spraying nutrient-rich mist on root zones that are suspended in the air) and aquaponics.

Aquaponics is a sustainable farming method that combines traditional aquaculture (raising fish) with hydroponics (growing plants in water without soil). In an aquaponic system, fish produce waste that is converted into plant nutrients. The plants, in turn, help to purify the water for the fish. This closed-loop system can be highly efficient, as it reduces the need for external inputs such as synthetic fertilizers and pesticides, and it allows for year-round production in a controlled environment. Aquaponics can be used to grow various vegetables, herbs, and other plants, as well as raise fish such as tilapia, trout, and bass. It can be a great option for urban farming, as it requires less space and water than traditional farming methods.

Compared to traditional farming techniques, aeroponics and aquaponics dramatically increase yields and quality while reducing water consumption by as much as 90%.<sup>51</sup>

ii. Repurposing Empty Commercial Space

Indoor farms can be developed in underutilized warehouses, shuttered big boxes retail locations such as the vacant CVS on Shattuck and Bancroft, and the vacant Walgreens on Ashby and San Pablo, or under freeway overpasses such as Gilman and I-80. To create dual-purpose land use throughout the city, advanced greenhouses could be elevated above existing ground-level parking lots at locations such as Whole Foods in North Berkeley.

c. Energy Resilience

The food production network should integrate renewable energy systems that can remain resilient in the event of a disruption to the energy grid. Such a system could employ local micro-grids with solar and storage to provide power to local food production facilities. Additionally, a renewable energy system could help limit environmental impact and reduce long-term costs.<sup>52</sup>

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<sup>50</sup> See e.g., Rouses Markets, *Rouses Markets Creates Sustainable Aeroponic Rooftop Garden Above Downtown New Orleans Store*, Cision (May 17, 2012), <https://www.prnewswire.com/news-releases/rouses-markets-creates-sustainable-aeroponic-rooftop-garden-above-downtown-new-orleans-store-151890995.html>; *Rouses Roots on the Rooftop*, Tower Farms (last accessed Mar. 3, 2023), <https://www.towerfarms.com/us/en/possibilities/rooftop-farming/rouses-rooftop-farm>.

<sup>51</sup> Michelle Keller, *Aeroponics - What Is It & Why Is It Important?*, Living Greens Farm (Aug. 4, 2020), <https://www.livinggreensfarm.com/blog/what-is-aeroponics>.

<sup>52</sup> US Department of Agriculture, *Rural Energy for America Program Renewable Energy Systems & Energy Efficiency Improvement Guaranteed Loans & Grants*, <https://www.rd.usda.gov/programs-services/energy-programs/rural-energy-america-program-renewable-energy-systems-energy-efficiency-improvement-guaranteed-loans>.

This renewable energy system would combine various methods of production to maximize redundancies and extend grid independence of the food resilience program in the event of a major energy crisis. Existing technologies such as rooftop solar arrays and onsite battery storage systems can be combined with emerging technologies such as urban wind turbines,<sup>53</sup> transparent solar panels that allow crops below to absorb energy,<sup>54</sup> and biofuel co-generators<sup>55</sup> for use when other means of production are not available. These emerging technologies should be considered and planned for when developing the energy independence component of FARM, placing Berkeley at the forefront of sustainability in urban farming.

#### 9. FARM: Organization

The FARM will be a self-organized, self-funded non-profit serving the City of Berkeley. FARM will have a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the Council.

As the work of the FARM supplements sustainability, disaster preparedness, and community health work currently done by City workers. No current work performed by represented City employees will be contracted out through this community-based non-profit organization or other entity.

The FARM could be organized as a “vertical cooperative.”<sup>56</sup> A cooperative is a user-owned and controlled entity from which benefits are distributed equitably.<sup>57</sup> As a vertical cooperative, the FARM would operate on all levels of the vertical food system — linking producers, processors, distributors, retailers, and consumers. The system as a whole must be sustainable if the FARM continues to provide food security for the community. All recipients and participants in the vertical system would be members of the FARM cooperative.

#### 10. FARM: Governance

The FARM will begin with a volunteer, skills-based governing board, named the Food Security Council, with the City acting as a facilitator. Once the FARM has achieved grant funding, the Food Security Council members will be compensated. The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative, and experts in resilience, logistics,

<sup>53</sup> IBIS Power, *Easily Upgrade Your Building to Renewable Energy*, (last accessed Dec. 20, 2022), <https://ibispower.eu/powernest/>.

<sup>54</sup> Anthony Cuthbertson, *Record-Breaking Transparent Solar Panels Pave Way for Electricity-Generating Windows*, Independent (Oct. 28, 2022), <https://www.independent.co.uk/tech/solar-panel-world-record-window-b2211057.html>.

<sup>55</sup> Diego Perrone et al., *Energy and Economic Investigation of a Biodiesel-Fired Engine for Micro-Scale Cogeneration*, 14 *Energies* (2021), [https://www.researchgate.net/publication/348594263\\_Energy\\_and\\_Economic\\_Investigation\\_of\\_a\\_Biodiesel-Fired\\_Engine\\_for\\_Micro-Scale\\_Cogeneration](https://www.researchgate.net/publication/348594263_Energy_and_Economic_Investigation_of_a_Biodiesel-Fired_Engine_for_Micro-Scale_Cogeneration).

<sup>56</sup> John Ikerd, *The Economic Pamphleteer: Reflections on Cooperation*, *Journal of Agriculture, Food Systems, and Community Development* (2013), <https://doi.org/10.5304/jafscd.2013.032.001>.

<sup>57</sup> USDA, *Understanding Cooperatives: Cooperative Business Principles*, (Revised Apr. 2011), [https://www.rd.usda.gov/sites/default/files/publications/CIR\\_45-2.pdf](https://www.rd.usda.gov/sites/default/files/publications/CIR_45-2.pdf).

renewable energy, agriculture technology, and public health. All members would be appointed by the nonprofit. The Food Security Council will have six core responsibilities:

1. Form the FARM as a non-profit organization;
2. Apply for grant funding;
3. Seek external partnerships;
4. Manage the FARM's efforts to develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents based on empirical evidence to set food production goals for the FARM; and
6. Define food shock events (e.g., how many days without staples constitute a food shock).

#### 11. FARM: Potential Funding Sources

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.

##### a. Federal and State Food Insecurity Related Grants and Programs

| Grant or Program                                                            | Amount                                                            | Source/Sponsor | Eligible Projects                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Local Foods, Local Places</a>                                   | -                                                                 | USDA and EPA   | Developing the local food economy. Examples: community gardens, kitchens, farmer's markets, and other food-related enterprises that can create new businesses and revitalize main streets, improve access to fresh, local food, and protect the environment. |
| <a href="#">Community Food Projects Competitive Grants Program (CFPCGP)</a> | \$25K-35K in planning; Up to \$125K per year for up to four years | USDA           | Planning toward the improvement of community food security in accordance with the goals of CFPCGP.                                                                                                                                                           |
| <a href="#">The GusNIP - Nutrition Incentive Program</a>                    | -                                                                 | USDA           | Projects intended to increase the purchase of fruits and vegetables by providing incentives at the point of purchase among income-eligible consumers participating in the USDA Supplemental Nutrition Assistance Program (SNAP)                              |

|                                                             |                                                                                                                                |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Farm to School Grant</a>                        | Up to \$500K                                                                                                                   | USDA | Linking local producers with schools and other organizations participating in child nutrition programs working to purchase and include locally grown fruits, vegetables, grains, meat, dairy, and seafood in program meals.                                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">Conservation Innovation Grants</a>              | -                                                                                                                              | USDA | Projects supporting the development of farming technology to efficiently increase agricultural production through the conservation of natural resources, such as water and soil.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <a href="#">The Farmers Market Promotion Program (FMPP)</a> | -                                                                                                                              |      | Projects that develop, coordinate, and expand direct producer-to-consumer markets to help increase access to and availability of locally and regionally produced agricultural products by developing, coordinating, expanding, and providing outreach, training, and technical assistance to domestic farmers markets, roadside stands, community-supported agriculture programs, agritourism activities, online sales or other direct producer-to-consumer (including direct producer-to-retail, direct producer-to-restaurant, and direct producer-to-institutional marketing) market opportunities. |
| <a href="#">Local Food Promotion Program</a>                | \$25,000 to \$100,000 (for Planning projects) and \$100,000 to \$500,000 (for Implementation and Farm to Institution projects) | USDA | Grants for Planning projects help food businesses to develop and test services. Grants for Implementation projects fund the creation of food businesses like community kitchens. Grants for Farm to Institution projects support institutional food services like schools with linkage to farms.                                                                                                                                                                                                                                                                                                       |
| <a href="#">Food and Agriculture Service Learning</a>       | -                                                                                                                              | USDA | For private organizations or non-profits to increase the capacity for food, garden, and nutrition education within host organizations or entities, such as school cafeterias and                                                                                                                                                                                                                                                                                                                                                                                                                       |



|                         |  |  |                                                                                                                                                                             |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Program</a> |  |  | classrooms while fostering higher levels of community engagement between farms and school systems by bringing together stakeholders from distinct parts of the food system. |
|-------------------------|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

b. Federal and State Resilience Grants and Programs

| Grant or Program                                                                     | Amount | Source/ Sponsor                            | Eligible Projects                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------|--------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">CA Community Resilience Centers</a> (anticipated release in spring 2023) | -      | California Strategic Growth Council        | New construction and upgrades of neighborhood-level resilience centers to provide shelter and resources during climate and other emergencies. The program will also fund year-round services and ongoing programming that build overall community resilience. |
| <a href="#">Building Resilient Infrastructure and Communities (BRIC) Grant</a>       | -      | FEMA                                       | Hazard mitigation projects, reducing the risks they face from disasters and natural hazards.                                                                                                                                                                  |
| <a href="#">Hazard Mitigation Grant Program (HMGP)</a>                               | -      | FEMA/ OEM                                  | Developing hazard mitigation plans and rebuilding in a way that reduces, or mitigates, future disaster losses in local communities.                                                                                                                           |
| <a href="#">Regional Resilience Planning and Implementation Grant Program</a>        | -      | Governor's Office of Planning and Research | Advancing resilience and responding to their greatest climate risks through three major activities: capacity building, planning (including identifying climate resilience priorities), and project implementation.                                            |
| <a href="#">CA Transformative Climate Communities</a>                                | -      | California Strategic Growth Council        | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California's most disadvantaged communities.                                                                                                       |



c. Federal and State Renewable Energy Grants and Programs

| Grant or Program                                                               | Amount        | Source/<br>Sponsor                                      | Eligible Projects                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------|---------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <a href="#">Energy Efficiency and Conservation Block Grant (EECBG) Program</a> | \$500,000,000 | Department of Energy                                    | Development and implementation of an energy efficiency and conservation strategy; establishment of financial incentive programs for energy efficiency improvements.                                                                                                                                                                                                                                                                                                                                                                                   |
| <a href="#">CA Transformative Climate Communities</a>                          | -             | California Strategic Growth Council                     | Development and infrastructure projects that achieve major environmental, health, and economic benefits in California's most disadvantaged communities.                                                                                                                                                                                                                                                                                                                                                                                               |
| <a href="#">CA Distributed Electricity Backup Assets Program</a>               | -             | California                                              | Construction of cleaner and more efficient distributed energy assets that would serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events.                                                                                                                                                                                                                                                                                                                                                            |
| <a href="#">CA Climate Catalyst Revolving Loan Fund</a>                        | -             | California Infrastructure and Economic Development Bank | <p>Projects that promote climate-smart technologies and practices across the agricultural value chain</p> <p>Projects may include (but are not limited to):</p> <ul style="list-style-type: none"> <li>● On-farm and food processing renewable energy, including electricity, fuels, and bioenergy</li> <li>● Energy, water, and materials efficiency</li> <li>● Methane reduction projects that use best practice approaches consistent with state policy goals</li> <li>● Energy storage or microgrids</li> <li>● Equipment replacements</li> </ul> |
| <a href="#">Renewable Energy For Agricultural Program (REAP)</a>               | -             | California Energy Commission                            | Installation of renewable energy technologies serving agricultural operations to reduce greenhouse gas emissions.                                                                                                                                                                                                                                                                                                                                                                                                                                     |

12. Berkeley is well positioned for a food resilience program.

The City of Berkeley has already taken steps that facilitate a food resilience program. In 2018, the City updated its Urban Agriculture Ordinance, lowering barriers to urban farming in Berkeley.<sup>58</sup> The update reduced the permit costs for larger-scale farming projects to \$1,000.00 and removed requirements that restricted farming to select city-owned properties.<sup>59</sup>

ENVIRONMENTAL SUSTAINABILITY

A food resilience program that involves urban agriculture is expected to reduce pollution from food transportation. Urban agriculture shortens the supply chain, truncating the journey from farm to table.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Adopted in 2009, Berkeley’s Climate Action Plan outlines a vision for a more sustainable city. One key goal in the Plan is for the “majority of food consumed in Berkeley” to be produced locally.<sup>60</sup> FARM advances this goal by bringing food production and individuals closer together.

On July 24, 2022, the City of Berkeley adopted an ordinance that updated the municipal code on urban agriculture as follows<sup>61</sup>:

**Purpose (23.318.010)**

The purpose of the Urban Agriculture related regulations contained in this chapter is to provide the following community benefits:

- A. Support the local economy and increase access to fresh local produce.
- B. Strengthen the health and social fabric of communities by encouraging and supporting community gardens.
- C. Accomplish the Berkeley Climate Action Plan goal of supporting efforts to build more complete and sustainable local food production and distribution systems

**Applicability (23.318.020)**

These regulations supersede definitions of incidental or ancillary uses.

**Urban Agriculture Uses and Levels of Discretion (23.318.030)**

- A. Zoning Certificate. When all of the thresholds in Section [23.318.040](#) (Thresholds) are met, the use is considered Low-Impact Urban Agriculture (LIUA) and is allowed by right with a Zoning Certificate.
- B. Administrative Use Permit. When one or more of the thresholds in Section [23.318.040](#) (Thresholds) are not met, the use is considered High-Impact Urban Agriculture (HIUA) requires an AUP. (Ord. 7787-NS § 2 (Exh. A), 2021)

<sup>58</sup> Stuart Luman, *Berkeley’s New Urban Agriculture Ordinance Encourages Residents to Grow Their Own Food*, Berkeleyside (Aug. 27, 2018), <https://www.berkeleyside.org/2018/08/27/berkeley-urban-agriculture-law>.

<sup>59</sup> *Id.*

<sup>60</sup> City of Berkeley, *Berkeley Climate Action Plan*, (June 2, 2009), <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>.

<sup>61</sup> Berkeley Municipal Code 23.318.050.

### Thresholds (23.318.040)

The levels of discretion for urban agriculture are based on the following thresholds:

- A. Maximum parcel size of 7,500 square feet.
- B. Maximum lot coverage of 20 percent for accessory structures and buildings.
- C. Maximum group classes and workshops of 20 participants per class conducted no more than three times per week.
- D. Hours of operation from 8:00 a.m. to 8:00 p.m., including but not limited to activities related to gardening and planting of horticultural crops, group classes, and sales.
- E. Use of organic pesticides. (Ord. 7787-NS § 2 (Exh. A), 2021)

### Operation Standards (23.318.050)

- Performance Standards. The growing, production, or sale of urban agricultural products may not involve hazardous materials or processes or create offensive or objectionable noise, vibration, odors, heat, dirt, or electrical disturbance perceptible by a person beyond the lot line of the subject lot.
- Sales and Donations.
  - Sales and/or donations of urban agricultural products grown and produced on-site are permitted.
  - If selling or donating urban agricultural products to the public, the urban agriculture use shall comply with all applicable food safety laws, including the California Health and Safety Code.
- Garbage and Compost.
  - Garbage and compost receptacles must be screened from the street and adjacent properties by utilizing landscaping, fencing, or storage structures and all garbage shall be removed from the site weekly.
  - Compost piles and containers must be set back at least 10 feet from residential buildings when an urban agriculture use abuts a residential use.
- Farm Equipment. Use of mechanized farm equipment is not permitted in Residential Districts and when the urban agriculture use abuts a residential use, with the following exceptions:
  - Heavy equipment may be used initially to prepare the land for agriculture use.
  - Landscaping equipment designed for household use is permitted.
  - Equipment when not in use must be enclosed or otherwise screened from sight. (Ord. 7787-NS § 2 (Exh. A), 2021)

### FISCAL IMPACTS OF RECOMMENDATION

Fiscal impacts include staff time for analysis.

### RATIONALE FOR RECOMMENDATION

Food insecurity rates in the Bay Area are worrying. Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.

While FARM is not intended to replace conventional food retailing, it should produce enough food to supplement the normal food supply during times of distress. Reaching this quantity requires a coordinated effort and collaboration with experts in the field of urban agriculture, including small businesses and nonprofit organizations. Therefore, the Office of Economic Development should research incentives for these entities to partner with the City of Berkeley to design and implement a food utility pilot.

#### OUTCOMES AND EVALUATION

This food resilience initiative is expected to address food insecurity for the City's population and maintain that security in the event of environmental and economic shocks.

#### Contributors

Leanne Gluck, Project Director, Agriculture Innovation  
John Ikerd, Professor Emeritus of Agricultural Economics  
Ben Cadranel, Development Officer  
Ian Richards, Agricultural Technology Consultant

#### CONTACT PERSON

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James Chang

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Nina (Wenxin) Li

510-981-7131

#### ATTACHMENTS

1. Resolution No. XXXXX
2. The Lorin Business Association Letter of Support
3. Alameda County Democratic Central Committee Letter of Support
4. United Food & Commercial Workers 5 (UFCW 5) Letter of Support
5. Building and Construction Trades Council of Alameda County, AFL-CIO Letter of Support
6. IBEW Local Union 595 Letter of Support
7. NECA Letter of Support
8. SEIU 1021 Letter of Support
9. Vertical Crop Consultants Letter of Support
10. UC Berkeley Berkeley Food Institute Letter of Support
11. Future Table Letter of Support
12. Dig Deep Farm (DSAL) Letter of Support
13. DoorDash Letter of Support
14. Photographs of Urban Farming Installations
15. FARM PowerPoint Presentation May 2023

**Attachment 1**

RESOLUTION NO. ##,#### N.S.

A RESOLUTION OF THE BERKELEY CITY COUNCIL IN SUPPORT OF THE GOALS OF THE FOOD ACCESS AND RESILIENCE MEASURE (FARM) INITIATIVE AND THE DEVELOPMENT OF HYPERLOCAL URBAN FOOD PRODUCTION AND DISTRIBUTION WITH COMMUNITY-BASED ORGANIZATIONS

WHEREAS, the City of Berkeley and the Bay Area are experiencing increasing impacts of climate change, natural disasters, global conflicts, inflation, and food shortages; posing significant threat to the availability and economic accessibility of healthy foods; and

WHEREAS, the Berkeley Food Access and Resilience Measure (FARM) initiative calls for a self-funded community based organization, connecting producers, processors, distributors, retailers, and consumers to ensure food security in the community; and

WHEREAS, the FARM initiative will be governed by a Food Security Council; and

WHEREAS, the FARM initiative will be financed through a combination of government grants and private philanthropy; and

WHEREAS, the FARM initiative aligns with the goals of the Federal Government and State of California's food and energy resilience policies and grants; and

WHEREAS, The City of Berkeley's Climate Action Plan and Urban Agriculture Ordinance seeks to reduce pollution from the transportation of food by incentivizing urban farming and supporting local food production;

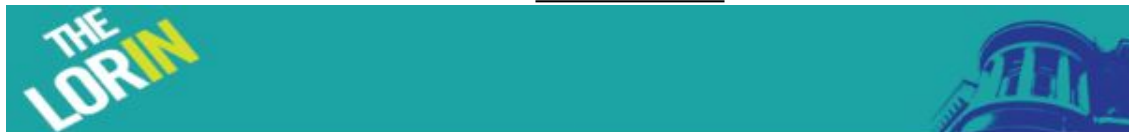
WHEREAS, the development and implementation of FARM will require collaboration with community-based organizations, SNAP recipients, organized labor, small businesses, and non-profit organizations;

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley hereby supports the goals of the Food Access and Resilience Measure (FARM) and the development of hyperlocal urban food production by providing incentives and funding opportunities for community based organizations;

BE IT FURTHER RESOLVED that the City of Berkeley will partner with community-based organizations implementing the goals of the FARM initiative.

THEREFORE, IT IS FURTHER RESOLVED that the City of Berkeley encourages the community, small businesses, labor organizations, and non-profits, to support the FARM initiative and participate in collaborative efforts to achieve food security and resilience within the City of Berkeley.

**Attachment 2**



3/17/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the **Lorin Business Association**, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

Liz Lisle, YaVette Holts, and KC Cavanagh  
Board Member of the Lorin Business Association



**Attachment 3**



April 8, 2023

**SUPPORT FOR BERKELEY FOOD UTILITY AND ACCESS RESILIENCE MEASURE**

Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Democratic Party, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

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We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Igor A. Tregub".

Igor A. Tregub  
Chair, Alameda County  
Democratic Party

**Attachment 4**



**John Nunes**  
President

**Jack Landes**  
Secretary - Treasurer

**Main Office:**

**United Food & Commercial  
Workers Union, Local 5**  
28870 Mission Boulevard  
Hayward, CA 94544-5510  
(510) 889-0870  
Fax: (510) 889-6415  
Toll Free: (877) 655-FIVE  
[www.ufcw5.org](http://www.ufcw5.org)

240 South Market Street  
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(408) 998-0428  
Fax: (408) 971-8355

323 Miller Avenue  
So. San Francisco, CA 94080  
(650) 871-5730  
Fax: (650) 871-3504

4121 Alhambra Avenue  
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Fax: (925) 228-8355

1145 North Main Street  
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Fax: (831) 757-9115

323 Geary Street, Room 709  
San Francisco, CA 94102  
(415) 693-0143  
Fax: (415) 675-7645

85 Galli Drive, Suite H  
Novato, CA 94949-5716  
(415) 883-6833  
Fax: (415) 883-1043

840 E Street, Suite 8  
Eureka, CA 95501-6804  
(707) 442-1751  
Fax: (707) 442-9572

April 25, 2023  
Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of UFCW Local 5, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

James Araby  
Director of Strategic Campaigns





**Attachment 5**

***Building and Construction Trades Council  
of Alameda County, AFL-CIO***

7750 Pardee Lane, Suite 100  
Oakland, CA 94621

[btca@btcalameda.org](mailto:btca@btcalameda.org) | (510) 430-8664

Andreas Cluver  
Secretary-Treasurer

Rob Stoker  
President

Rafael Gonzalez  
Vice President

Chuck Leonard  
Sergeant in Arms

- Auto & Marine Painters, #1176
- Boilemakers, #549
- Brick & Tile Layers, #3
- Carpet & Linoleum, #12
- Cement Masons, #300
- Electrical Workers, #595
- Elevator Constructors #8
- Glaziers #169
- Insulators & Asbestos Workers, #16
- Iron Workers, #378
- Laborers, #67
- Laborers, #304
- Operating Engineers, #3
- Painters, #3
- Plasterers, #66
- Plumbers & Steamfitters, #342
- Roofers, #81
- Sheet Metal Workers, #104
- Sign & Display, #510
- Sprinkler Fitters, #483
- Teamsters, #853
- U.A., Utilities / Landscape, #355

April 11, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

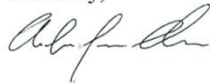
On behalf of the Alameda County Building & Construction Trades Council, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,



Andreas Cluver, Secretary-Treasurer  
Building & Construction Trades Council of Alameda County

**Attachment 6**



**IBEW Local Union 595**  
International Brotherhood of Electrical Workers  
Established in 1907 - Over 100 Years of Service

**GREG BONATO**  
Business Manager  
Financial Secretary

March 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

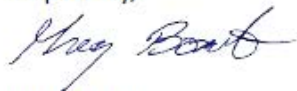
On behalf of IBEW Local Union 595, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Respectfully,



Greg Bonato  
Business Manager-Financial Secretary

GB:klp/opeiu#29/afl-cio

925.556.0595 • 925.556.0600 fax • [www.ibew595.org](http://www.ibew595.org) • 6250 Village Parkway, Dublin, CA 94568



**Attachment 7**



*National Electrical Contractors Association*

March 9, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Northern California Chapter of the National Electrical Contractors Association (NECA), we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Armstrong", is written over a circular blue stamp or seal.

Greg E. Armstrong  
Executive Director  
Northern California Chapter, NECA



**Attachment 8**



May 4, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**Qualified Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

I write on behalf of SEIU 1021 Alameda County Committee on Political Education to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM).

The Berkeley Chapter of SEIU 1021 represents the disaster, health, nutrition, and resilience workers who keep Berkeley safe and healthy. We strongly support the concept of this item, and appreciate that it establishes a program that supplements the work done by SEIU 1021 workers without contracting out any City work currently or potentially performed by represented employees.

We understand that this Council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster. Thousands of people in Berkeley are food insecure, including workers, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Given that threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We offer strong qualified support for this item and respectfully request you favorably consider this amended Berkeley Food Utility Access and Resilience Measure.

Sincerely,  
Andrea Mullarkey  
SEIU 1021 CSU/PTRLA COPE Coordinator

**Attachment 9**



102 Cedar Ln.  
Clinton NC 28328

5/5/2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:


On behalf of Vertical Crop Consultants Inc, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in black ink, appearing to read "Tripp Williamson". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tripp Williamson  
CEO  
Vertical Crop Consultants Inc.



**Attachment 10**



Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of Berkeley Food Institute, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to safeguard Berkeley residents' access to sustenance during natural and economic disasters.

Thousands of Berkeley residents are food insecure, and numerous others are on the verge of food insecurity. Natural disasters and economic downturns threaten to place even more households in food insecurity in Berkeley, which is already in a precarious position. The COVID-19 pandemic highlighted the precarious nature of our food supply. In 2020, the pandemic caused labor shortages and layoffs across industries, resulting in an increase in staple food prices, a decrease in staple food availability, and a reduction in consumers' ability to afford these foods. The combination of these factors drastically increased the demand for food assistance in Berkeley. The Berkeley Food Network, a local organization that provides food to those in need, had to quadruple its operations in the first half of 2020 alone in order to meet demand. Similarly, Berkeley Student Farms, a network of student led UC Berkeley Campus Gardens were the main supplier of fresh produce to the UC Berkeley Food Pantry during the first two weeks of shelter-in-place in 2020. Due to the increasing frequency of threats to food access caused by climate change, it is crucial to protect our community before a disruption to our food supply occurs.

FARM is a proactive initiative that mitigates the risk of food supply chain disruptions at multiple levels. At its foundation, FARM establishes a network of local food production to supplement the current supply chain. This network creates and integrates local food sources, including urban agriculture facilities and community farms. In addition, FARM safeguards this network from natural disasters by integrating a renewable energy system that can function despite disruptions to the primary power grid. FARM aligns with the emergency preparedness vision of the State of California and the disaster preparedness initiatives of federal agencies.

We strongly support this item and respectfully request the Mayor and City Council to vote in favor of the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

A handwritten signature in black ink that reads "Nathalie Muñoz". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nathalie Muñoz

BFI Community Engagement Program Manager

**Berkeley Food Institute**  
University of California, Berkeley  
50 University Hall, Berkeley, CA 94720-3102

(510) 529-1533  
food.berkeley.edu  
foodinstitute@berkeley.edu



**Attachment 11**



May 7, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of FutureTable, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

*Lorin Fries*

Lorin Fries  
Founder and Lead Partner, FutureTable

---

**Attachment 12**

DocuSign Envelope ID: 93943A69-B03A-4282-B6AC-FF0F72B5A225

May 8, 2023

Berkeley Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of the Alameda County Deputy Sheriffs' Activities League (DSAL) and Dig Deep Farms, we are writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Berkeley is already in a precarious position, and natural disasters and economic downturns threaten to thrust even more households into food insecurity. The COVID-19 pandemic brought to light the fragility of our food supply. In 2020, the pandemic caused worker shortages and layoffs across industries, increasing the prices of staple foods, reducing the availability of staple foods, and reducing consumers' budgets to afford these foods. The combination of these factors caused the demand for food aid in Berkeley to increase sharply. To meet demand, the Berkeley Food Network, a local organization that supplies food to those in need, was forced to *triple* its operations in the first half of 2020 alone. Because threats to food access are growing increasingly common due to climate change, it is vital to safeguard our community *before* a disruption to our food supply occurs.

FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM, in partnership with our county-wide circular food economy, All In Eats, creates a local food production network to supplement the existing supply chain. This network creates and connects local food sources, including community farms and urban agriculture facilities. Further, FARM protects this network from disasters by integrating a renewable energy system that can operate despite disruptions to the main power grid. FARM aligns with the State of California's emergency preparedness vision and federal agencies' disaster preparedness initiatives.

We strongly support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure.

Sincerely,

DocuSigned by:  
  
A3383DE7738A464...

DocuSign Envelope ID: 93943A69-B03A-4262-B6AC-FF0F72B5A225

Patrick Eiser  
DSAL Director of Operations  
peiser@acdsal.org

**Attachment 13**



May 26, 2023

Mayor Arreguín and City Council Members  
City of Berkeley  
2180 Milvia Street  
Berkeley, California 94704

**RE: Support for Berkeley Food Utility and Access Resilience Measure (FARM)**

Dear Honorable Mayor and City Council:

On behalf of DoorDash, I am writing to express our support for the Berkeley Food Utility and Access Resilience Measure (FARM). This council item is intended to protect food access for the people of Berkeley in times of natural and economic disaster.

As part of our mission to empower local economies, DoorDash is proud to broaden food access for the communities we serve. Launched in 2018, our Project DASH initiative enables food banks, food pantries, and other social service organizations to connect food and other important resources to neighbors in the community using the same logistics technology used by DoorDash merchant partners. Project DASH has powered over 3.5 million deliveries of food equal to more than an estimated 60 million meals provided to people experiencing food insecurity across the U.S. and Canada, building the capacity of local food banks and community hubs to serve more people, more effectively.

Thousands of people in Berkeley are food insecure, and many more are on the threshold of food insecurity. Natural disasters and economic downturns threaten to thrust even more households into food insecurity. FARM is a preemptive initiative that mitigates the danger of food disruption at multiple levels of the supply chain. At its core, FARM creates a local food production and local distribution network to supplement the existing supply chain. This network connects local food sources to community hubs including food banks, grocery stores, restaurants, and schools.

We support this item and respectfully request the Mayor and City Council favorably consider the Berkeley Food Utility Access and Resilience Measure. We know local delivery can be a powerful tool in breaking down barriers to access, and we look forward to working with Berkeley as it seeks to further develop this initiative and other efforts to protect against food insecurity.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Laura Curtis'.

Laura Curtis  
Senior Manager, Governmental Relations – West



**Attachment 14**



**Attachment 15**

**Berkeley Food Utility and Access  
Resilience Measure  
(FARM)**



Ben Bartlett  
Vice Mayor, City of Berkeley

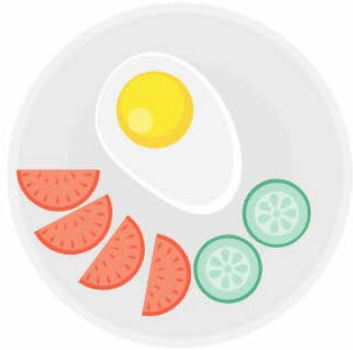
**“There are only  
nine meals  
between mankind  
and anarchy.”**

- Vladimir Lenin



## Recommendation

To the Honorable Mayor and Members of the City Council



Protecting the City's food supply from natural disasters and economic disruptions by creating a community-based non-profit organization to implement an integrated local food production and distribution system

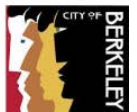
To design and offer economic incentives for non-profits, agricultural producers, and small businesses to partner with the City



## Current Situation



- California is currently facing one of the worst flooding situations in many years
- After three years of droughts, many farmers are concerned about lingering flood waters
- Proving the importance of creating a program that will support food resiliency and local farm workers



## Achieving Food Resiliency



## Community Resilience



### What is community resilience?

Ability of a community to withstand and recover from disruptions

### Threats to the Community:

- Governments faced with existential threats to populations and infrastructure
- Rapid advancement of climate change
- Extreme weather events
- Disaster preparedness
- Soaring Food Prices

Need a systems – level approach to address possible points of failure in urban food supply chain





## Food Resilience



### What is food resilience?

The ways in which a community can ensure its members have access to health and nutritious food, even during times of crisis

- Berkeley's Climate Action Plan set a target of majority of food consumed to be from local food production
- A local food system empowers Berkeley to achieve a key Climate Action Plan goal → producing local food for consumption
- California allocated \$477 million toward agricultural resilience measures
- California's Strategic Growth Council called for local-level resilience through Community Resilience Centers program
- U.S. government is incorporating food resilience in disaster planning



## Food is a Fundamental Human Right



### Like air and water...

Food is essential for survival and the only commodity that cannot be postponed.

- Food insecure individuals have higher rates of mental health issues
  - Hungry children attain lower academic achievement
- United Nations recognizes that the right to all nutritional elements is necessary to live a healthy and active life



## Food Insecurity Data

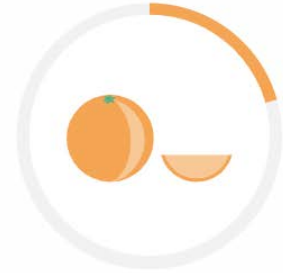
Food insecurity is a growing crisis throughout the United States



**11.5%** Of people in the Bay Area are food insecure in 2018  
870,000 people



**10.5%** Of the US population did not have enough food to meet their needs  
14 million households



**20%** Spike in food insecurity in the Bay Area from the beginning of COVID-19 Pandemic  
20-33%, specifically



## Threats to Food Access



### Climate Change

If the land lacks the nutrients that crops need to grow, the food chain will be stopped from the beginning

### Natural Disasters

All segments of food supply chains can be affected by a natural disaster such as droughts, wildfires, and more

### Foreign Conflict

A disruption in one region can send ripple effects to the rest of the world



# FARM as a Community Food Utility

## Community Layer

- Community Gardens and Backyard Gardens
- Synchronizing Local food production with food banks, restaurants, schools and grocery stores
- Supplemental Nutrition Assistance Program (SNAP)

## Production Layer

- Controlled Environmental Agriculture (CEA)
- Repurposing Empty Commercial Space

## Energy Resilience

- Integrating renewable energy systems that remain resilient

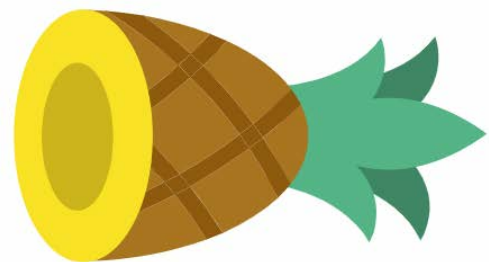


# FARM: Organization

The FARM will be a self-funded non-profit chartered by the City of Berkeley, with a self-appointed Board of Directors, approved by the City Council, with duties and administrative powers also approved by the City Council.

## Vertical Cooperative

- User-owned and controlled entity from which benefits are distributed equitably
- FARM would operate on all levels of vertical food system - linking producers, processors, distributors, retailers and consumers
- System must be sustainable, all recipients and participants would be members of FARM





## Defining Local

Synchronizing community gardens with food towers to maximize food production and reduce 100 mile radius to something closer to be determine by Food Security Council

### Hyper Local

- food grown right in a communities' backyard
- available for purchase at a market or consumption at local restaurants.
- benefit: produce can be harvested and delivered on the same day and can remain fresh longer than produce delivered from long distances.

### Local

- definition from Farm Act from 2008,
- definition= produced "so that the total distance that the product is transported is less than 400 miles from the origin or the product."



## Equity

Group buying power for SNAP participants in Berkeley to lower cost and eat healthier

### Making food more affordable

- Food prices have gone up by 10%
- FARM Initiative sets the framework to structure group buying power for SNAP participants, to help lower the cost, support local growers and help the community eat healthier





## FARM Governance: Food Security Council

- FARM will begin with a volunteer, skills-based governing board: Food Security Council
- Once the FARM has achieved grant funding, the Food Security Council members will be compensated
- The Food Security Council should consist of community members, grant writers, SNAP recipients, food producers, an organized labor representative
  - Experts in resilience, logistics, renewable energy, and public health.

### Food Security Council Responsibilities:

1. Form FARM as a non-profit
2. Apply for funding
3. Seek external partnerships
4. Develop and maintain food production and distribution processes;
5. Determine the caloric needs of residents
6. Define food shock



## Potential Funding Sources

Funding sources include fees for administering government food assistance programs and grants from California, the USDA, and the Department of Energy (DOE) are available.



## Self Directed and Self Funded



## FARM: Conclusion

Food shortages, natural disasters, and global conflicts further threaten the availability and economic accessibility of healthy food. The increasingly intense impacts of climate change create heightened cause for concern. Therefore, to create a food safety net in the City of Berkeley, it is necessary to implement FARM.



# Supporters

- The Lorin Business Association
- Alameda County Democratic Central Committee
- United Food & Commercial Workers 5 (UFCW 5)
- Building and Construction Trades Council of Alameda County, AFL-CIO
- IBEW Local Union 595
- NECA
- SEIU 1021
- Vertical Crop Consultants
- UC Berkeley Berkeley Food Institute
- Future Table
- Dig Deep Farm (DSAL)



# Thank you!

## Contact:

### Vice Mayor Ben Bartlett

- [bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)
- 510-981-7130

### Additional Contributors:

Nina Li  
James Chang  
Dafne Cruz Rodriguez







**BEN BARTLETT**

VICE MAYOR

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: Street Pavement Painting: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of funds, including \$1000.00 from Vice Mayor Bartlett, to Healthy Black Families, Inc. for the Ellis Street art renovation. The funds will be relinquished to the City's General Fund from the discretionary council office budget of Vice Mayor Ben Bartlett and the discretionary council office budgets of any other City Councilmembers who would like to contribute.

BACKGROUND

As part of the Juneteenth celebration, the Ellis Street Neighbors, Healthy Black Families, and various community groups hope to renovate a public street pavement mural. Recently, the streetwalk art has been painted over by staff from Public Works, and its removal has caused concern among community members.<sup>1</sup> Because of its position on the east side of Malcolm X Elementary School, streetwalk art has become an important touchstone for educators to re-incorporate community art and continue the conversations about reparations into their curriculum. Currently, reparations are actively being discussed at the local level by Berkeley Unified School District and the state level by our governor.

Several community members designed this artwork, including the famous local artists O'Brien Thiele and Edythe Boone<sup>2</sup>.

It is also a call to action to address the history of racial discrimination in South Berkeley and throughout our country. The mural has been shared and celebrated in the local press across the East Bay since it was completed in 2020. In the future, the art hopes to convey and celebrate the resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

<sup>1</sup> Markovich, A. (2023, May 23). Why the South Berkeley "reparations now" mural was painted over. Berkeleyside. <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>

<sup>2</sup> Taylor, T. (2022, August 4). Berkeley neighbors start work on street mural calling for "reparations now!" Berkeleyside. <https://www.berkeleyside.org/2020/07/23/berkeley-neighbors-start-work-on-street-mural-calling-for-reparations-now>



**BEN BARTLETT**

VICE MAYOR

Other street murals, such as the “Ohlone Territory” and “Black Lives Matter” painted on Milvia Street and Martin Luther King Jr Way, respectively, have been created to serve as a visual reminder and message for the community.<sup>3</sup> These projects have previously been approved and supported by the City of Berkeley.



Photo courtesy of Berkeleyside. Credit to Ximena Natera<sup>4</sup>



Photo courtesy of Berkeleyside. Credit to UC Berkeley Art and Design<sup>5</sup>

It is also a call to action to address the history of racial discrimination in South Berkeley and throughout our country. The mural has been shared and celebrated in the local press across the East Bay since it was completed in 2020. In the future, the art hopes to convey and celebrate the resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

### ENVIRONMENTAL SUSTAINABILITY

No negative impact.

### FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1000.00 is available from the discretionary council office budget of Vice-Mayor Ben Bartlett.

### CONTACT PERSON

Vice Mayor Ben Bartlett

James Chang

Nina (Wenxin) Li

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)

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### ATTACHMENTS

<sup>3</sup> Hahn, Sophie. “Black Lives Matter and Ohlone Recognition.” 9, June, 2020. [https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60\\_WQoh6/view](https://drive.google.com/file/d/1GGNRruOKGrxIWQ3xprQSa5wj60_WQoh6/view)

<sup>4</sup> Markovich, A. (2023, May 23). Why the South Berkeley “reparations now” mural was painted over. Berkeleyside. <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>

<sup>5</sup> Markovich, Ally. “Berkeley School District Explores Giving Cash Payments to Students with Enslaved Ancestors.” Berkeleyside, 24 Mar. 2023. <https://www.berkeleyside.org/2023/03/24/busd-reparations-program-berkeley-unified-school-district>.



**BEN BARTLETT**

VICE MAYOR

1. Resolution No. XXXXX

Attachment 1

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO HEALTHY BLACK FAMILIES, INC. TO RENOVATE THE STREET PAVEMENT ART ON ELLIS STREET.

**WHEREAS**, Vice Mayor Ben Bartlett has surplus funds in his office expenditure account; and

**WHEREAS**, Healthy Black Families supports health equity, birth equity, and healthy food and beverages by supporting the Black community within the City of Berkeley; and

**WHEREAS**, Healthy Black Families will receive funds in the amount of \$1000.00 from Councilmember Ben Bartlett's office expenditure account for the purposes of restoring the public mural on Ellis Street; and

**WHEREAS**, the provisions of such services would allow for a street pavement preservation municipal public purpose of celebrating the power and resilience of Black Americans, who have endured generations of oppression in the ongoing journey toward equal justice, equal dignity, equal rights, and equal opportunity in America.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to Healthy Black Families.





Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Wengraf  
 Subject: Support for AB-660 Food Labeling (Assemblymember Irwin)

RECOMMENDATION

Adopt a Resolution in support of AB-660 Food Labeling: quality dates, safety dates, and sell by dates (Assemblymember Jacqui Irwin), and send copies to Assembly Members Irwin and Wicks and Senator Skinner.

FINANCIAL IMPLICATIONS

None.

BACKGROUND

[AB-660](#) aims to mandate specific terminology around date labels on food packaging in California. Specifically, AB-660 would require the phrases “Best if used by” or “Best if used by or frozen by” to indicate quality, or “Use by” or “Use if frozen by” to indicate safety. Brands would no longer be able to use consumer-facing “Sell by” dates, which are references for stores and confuse consumers.

According to study results published in the Journal of Nutrition Education and Behavior, 84 percent of consumers toss food once the date on the package has passed, regardless of what the terminology means. About 64 percent of consumers knew the general meaning of the “Best if used by” and 44.8 percent understood “Use by labels”. Banning “Sell by” dates will help minimize food waste. Adopting uniform food labeling across the state will help prevent residents from throwing out good food and help them know when foods become a health concern. Consistent labeling will allow for effective consumer education.

ENVIRONMENTAL SUSTAINABILITY

AB-660 addresses food waste, keeps organics out of landfills and cuts methane generation that contributes to climate change.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments: 1: Resolution

RESOLUTION NO. ##,###-N.S.

SUPPORT FOR AB-660 FOOD LABELING (ASM. IRWIN)

WHEREAS, consumers struggle to know if their food is still safe to eat with current food labels; and

WHEREAS, studies show that 20% of avoidable food waste is caused by consumer confusion over expiration dates; and

WHEREAS, wasted, decomposing food produces methane gas, a substance over 80 times more powerful as a greenhouse gas than carbon dioxide.

WHEREAS, AB-660 would require packaged food sold in California to be labeled with clear and consistent expiration dates; and

WHEREAS, streamlining food labeling dates would reduce food waste, financial losses to consumers, and methane emissions.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it supports AB-660.

**BEN BARTLETT**

VICE MAYOR

ACTION CALENDAR

June 27, 2023

*(Continued from May 23, 2023)*

TO: Honorable Members of the City Council

FROM: Vice Mayor Ben Bartlett (Author), Mayor Jesse Arreguin (Co-Sponsor),  
Councilmember Kate Harrison (Co-Sponsor), and  
Councilmember Mark Humbert (Co-Sponsor)

SUBJECT: Adopting a temporary exemption from the collection of taxes under BMC  
Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis  
Businesses

RECOMMENDATION

1) Adopt a temporary exemption (per 9.04.136(D)) on the collection of the taxes for all non-medical and medical cannabis businesses, retroactive to January 2023 and ending July 2025; Waive any late penalties that may have accrued since January 2023; any and all tax payments already made to the City for Q1 2023 will apply as a credit against a future tax or fee payment to the City; and

2) Refer to the City Manager and Cannabis Commission and/or its successor, the Planning Commission, to analyze and develop an ordinance adjusting local cannabis business tax rates by February 2025 that are in balance with the state cannabis tax rates, with an eye to the ability for the cannabis industry to become a sustainable economic driver for the City of Berkeley.

3) Licensed cannabis businesses in Berkeley will pay the business license tax that applies to their respective area of the market during the moratorium, like retail, manufacturing, etc.

BACKGROUND

On November 8, 2016, California voters passed Proposition 64, the Adult Use of Marijuana Act (AUMA). This proposition legalized the use of cannabis for adults over 21 years old. Berkeley voted overwhelmingly for Proposition 64, with 85% approving the measure. The State of California developed state-wide regulations for recreational cannabis, allowing temporary licenses for adult-use businesses effective January 1, 2018.

In September 2017, the Berkeley City Council adopted amendments to B.M.C. Chapter

12.26 to permit temporary licenses for existing medical cannabis dispensaries, allowing them to sell adult-use cannabis in the City effective January 1, 2018. To date, five of the six existing permitted dispensaries have received city and state licenses and are selling adult-use cannabis.

Since long-standing dispensaries began selling adult-use cannabis on January 1, 2018, there have been many questions regarding the local cannabis tax rate. In addition to State and sales taxes, local taxes have added significant costs to cannabis products and may discourage business, especially as other nearby cities adopt lower tax rates.

In 2018, the City set tax rates at 5% based on the best information possible at the time. Since then, the cannabis industry in California has seen its growth stall, and in the last year, the bottom has fallen out, leading to an industry-wide collapse.

- During the COVID pandemic, cannabis was deemed essential, yet was left out of the state and federal relief provided to other business owners, including but not limited to relief for wages paid to employees on leave for COVID-related workplace exclusions, the Paycheck Protection Program (PPP) loans, and Small Business Administration loans.
- The costs of compliance with state and local regulations for the cannabis business are extremely high.
- Nearly all of what would otherwise be considered a standard business tax deduction are not applicable because of Internal Revenue Code Section 280E, which disallows all ordinary business expenses and still unjustly applies to state legal tax businesses.
- The unlicensed market and organized cartels continue to thrive under this system, undercutting the legal market. Berkeley is not immune to this. In the first months of 2023, two unlicensed operations within the City were shut down. One facility had 14,000 plants and hundreds of pounds of cannabis concentrate on site.
- Licensed cannabis cannot compete.

The compounding effect of these added costs of doing business with the state and local taxes and fees and lack of access in much of the state drives the cannabis consumer to the unlicensed market, which is currently more than twice the size of the regulated one– and half the price.

Last year, the State had an opportunity to adjust the tax rates for cannabis businesses and provide relief for those struggling to make it into the legal market. Instead of providing that relief, the state shifted the tax burden to retailers and cannabis consumers and will



likely increase those excise taxes in the future. This change in state tax collection had a chilling effect on an already struggling industry, and the shift negatively impacted urban regions of the state that predominantly have retail cannabis as the main license type.

Berkeley wants to see its legal cannabis businesses thrive so they can continue providing high-wage jobs and access to safe, tested cannabis to the people of Berkeley and those who come to Berkeley.

### **Taxes Applicable to Non-Medical Cannabis Businesses**

There are a number of taxes applicable to adult-use cannabis businesses, including:

- State Cannabis Excise Tax
  - Effective January 1, 2018, a 15% excise tax is imposed upon retail purchasers of all cannabis and cannabis products, except for those possessing a state cannabis medical card. The 15% excise tax is calculated based on the average market price from the retail sale, **which leads to an actual current effective tax rate of around 27%.**
  - **Beginning this year, that excise tax was shifted to retail. Because of the way the tax is calculated, this amounted to a tax increase.**
  
- Local Sales Taxes
  - The City of Berkeley and Alameda County's combined sales tax is 10.25%
  
- City of Berkeley Business License Tax
  - Measure S, adopted by Berkeley voters in 2010, set the business license tax rate for Non-Medical Cannabis Businesses authorized pursuant to Proposition 19 at 10% or \$100.00 for every \$1,000 of gross receipts. The measure included language allowing the City Council to lower the tax rate by ordinance, which the Council did in 2018 to 5% or \$50 for every \$1000.
    - A note about Measure S - This ballot measure was expressly written to accompany Proposition 19 from 2010, which would have legalized cannabis and did not set a state tax rate. That ballot initiative did not pass.
    - Cities like Berkeley and Oakland, which set high local tax rates in anticipation of Proposition 19 passing, have seen an exodus of the supply chain businesses that can leave and a loss of customers to its brick-and-mortar dispensaries as other jurisdictions have come online with much lower taxes. This also leads the more price-driven customers to jurisdiction shop when choosing where to buy their

cannabis, particularly where delivery from neighboring regions is widely available.

- The business license tax rate for Medical Cannabis Businesses is currently 2.5% of gross receipts.

#### Other Cannabis Tax Rates in the region

Different jurisdictions in Alameda County have set their cannabis tax rates at a range of levels. Over the next year, there will be efforts to lower the local rates in most of these jurisdictions.

Oakland: has seen an exodus of supply chain businesses to lower tax rate jurisdictions.

Hayward: voters approved up to 15% but have set the effective rate at 6% and is having trouble attracting cannabis businesses.

San Leandro: Measure NN approved in November 2016, was a voter-approved gross receipts tax on cannabis businesses of up to 10%. It is currently 6% and will increase over time. All cannabis businesses must have annual audits.

Emeryville: Has set tax rates at 3% for retail, 2% for manufacturing, and 1% for distribution.

City of Alameda: **Currently has no cannabis tax for its cannabis businesses. The City Council chose not to pursue any additional cannabis taxes for the foreseeable future to allow licensed businesses to get on their feet. Cannabis businesses pay regular business license taxes.**

City and County of San Francisco: **Have continually delayed the implementation of a cannabis-specific tax to help the flailing industry.** Cannabis businesses pay regular business taxes.

In order for Berkeley to remain competitive and attract new cannabis businesses, it should consider lowering its business license tax on Non-Medical Cannabis businesses.

#### FISCAL IMPACTS OF RECOMMENDATION

Reducing the business license tax rate for Non-Medical Cannabis Businesses may reduce tax receipts to the General Fund. However, a lower tax rate will make Berkeley cannabis businesses more competitive in the regional market and may result in greater business activity and tax revenues to the City. According to the FY 2023 Mid-Year Budget

Update, Recreational Cannabis Taxes have produced \$1,643,749 in receipts as of February 2023.

#### ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental effects or opportunities are associated with this report's subject.

#### CONTACT

Ben Bartlett, Councilmember/Vice-Mayor, District 3

510-981-7130

#### Attachments:

1. [Ordinance: BMC Chapter 9.04.136](#)
2. [CDTFA total cannabis sales data from 2021 through Q4 2022 show unexpected and continual losses.](#)
3. [MJ Biz article: "California localities extend tax relief to marijuana companies in the absence of state action," February 28, 2022](#)
4. Letter from hi fidelity

## Attachment 1

<https://berkeley.municipal.codes/BMC/9.04.136>

Ch. 9.04 Business Licenses | Berke... x +

https://berkeley.municipal.codes/BMC/9.04.136

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**9.04.136 Cannabis businesses.**

A. 1. Every Medical Cannabis Business that is not a Nonprofit Organization as defined in Section [9.04.305](#), and every Non-Medical Cannabis Business, shall pay an annual tax for each thousand dollars of gross receipts as provided in Section [9.04.240](#). If the "Regulate, Control and Tax Cannabis Act of 2010" on the November 2010 state ballot passes and takes effect, the maximum gross receipts rate that may be applied to medical cannabis businesses shall be reduced to 1.8%, or \$18 per \$1000.

2. Except as provided in paragraph 1 of this subdivision, the tax on Medical Cannabis Businesses that is imposed by this Section shall be phased in as follows:

- (a) The tax payable in 2011 shall be \$18 per \$1000 of gross receipts after June 30, 2010.
- (b) The tax payable in 2012 shall be \$25 per \$1000 of gross receipts after January 1, 2011.
- (c) The tax payable in subsequent years shall be \$25 per \$1000 of gross receipts during the preceding calendar year.

B. For purposes of this Chapter:

1. "Medical Cannabis Business" means any activity regulated or permitted by Chapter [12.26](#) or Title [23](#) that involves planting, cultivating, harvesting, transporting, dispensing, delivering, selling at retail or wholesale, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing, any part of the plant *Cannabis sativa L.* or any of its derivatives, pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#).
2. "Non-Medical Cannabis Business" means any of the activities described in the preceding paragraph that are not conducted pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#), but are otherwise authorized by state law.
3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.
4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in...

**What's Nearby**

| TITLE   |      |        |
|---------|------|--------|
| ← 8     | 9    | 10 →   |
| CHAPTER |      |        |
| ←       | 9.04 | 9.08 → |

**On This Page**

- 9.04.130 Conviction for violating ordi...
- 9.04.135 Retail trade
- 9.04.136 Cannabis businesses**
- 9.04.140 Grocer, retail or wholesale
- 9.04.145 Motor vehicle dealers (new ...)

https://berkeley.municipal.codes/BMC/9.04.136

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9.04.136 Cannabis businesses.

otherwise authorized by state law.

B. 3. "Cannabis Business" includes both Medical Cannabis Businesses and Non-Medical Cannabis Businesses.

4. A Cannabis Business shall be deemed a "Business" under Section [9.04.010](#) and as that term is used in this Chapter.

C. For purposes of this Section and Section [9.04.305.A.2](#), "gross receipts" includes any monetary consideration for medical cannabis whatsoever, including but not limited to: membership dues; reimbursement pursuant to Health & Safety Code sections [11362.5](#) and [11362.7-11362.83](#); and any money received for wholesale or retail sales.

D. 1. The annual tax rate imposed by Section [9.04.240](#) on Non-Medical Cannabis Businesses shall apply to the sum of gross receipts as defined in Section [9.04.025](#) and this Section.

2. The City Council may impose the tax authorized by this Section at a lower rate, and may establish an exemption for Cannabis Businesses whose gross receipts are below a specified amount. The Council may adopt different rates and exemption levels for Medical and Non-Medical Cannabis Businesses. No action by the Council under this paragraph shall prevent it from subsequently increasing the tax rate for any type of Cannabis Business to the maximum specified in this Section and Section [9.04.240](#) or from modifying or eliminating any exemption.

E. In order to aid in the City's collection of taxes due under this Chapter and ensure that all Cannabis Businesses are taxed consistently to the best of the City's ability, beginning January 1, 2011, in any Cannabis Business, that obtains any product containing Cannabis sativa L. or any of its derivatives for monetary consideration that constitutes gross receipts under subdivision (C) for the provider of that Cannabis sativa, shall either:

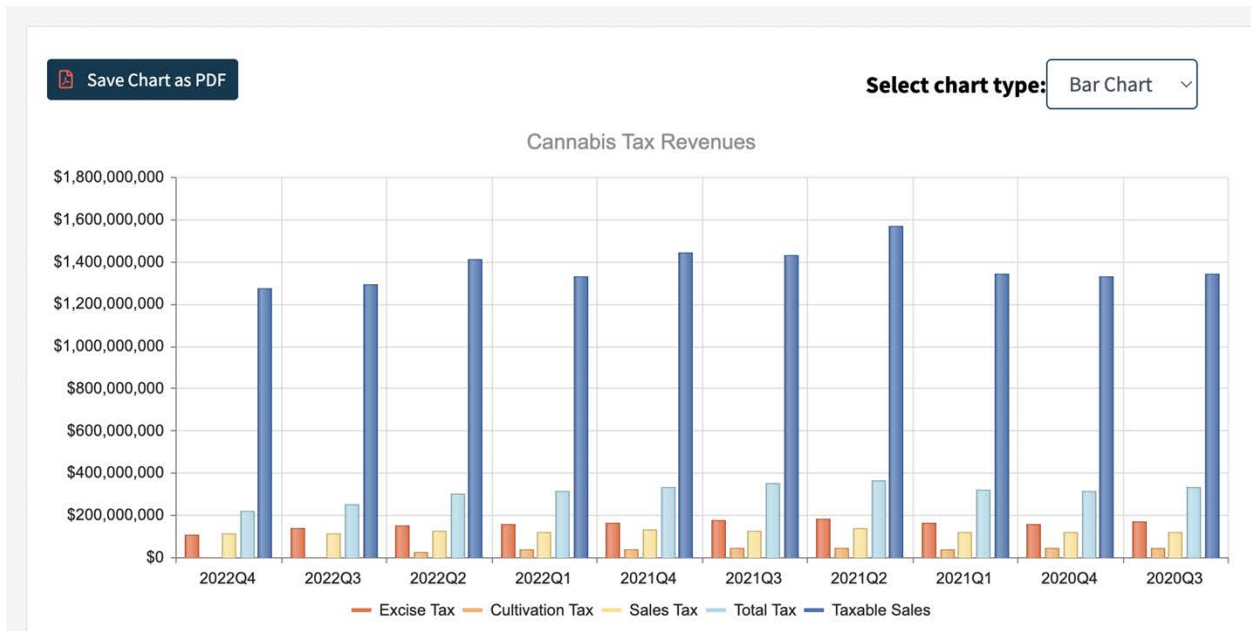
1. Report quarterly to the City all such transactions, the monetary consideration involved, and the identity and contact information of the person or entity to whom or to which monetary consideration was provided; or

2. Collect the tax that would be payable as a result of the transaction from the person or entity to whom monetary consideration was provided and remit it to the City.

F. The City Manager may promulgate regulations to implement and administer this Section, including allowing Medical Cannabis Businesses to remit taxes more frequently than annually. (Ord. 7160-NS § 1, 2010)

## Attachment 2

<https://www.cdtfa.ca.gov/dataportal/charts.htm?url=CannabisTaxRevenues>



### Attachment 3

<https://mjbizdaily.com/california-localities-extend-tax-relief-to-marijuana-companies/>

The screenshot shows the MJ Biz Daily website interface. At the top, there are navigation links for 'MJBIZCON', 'PODCAST', 'FACTBOOK', and 'MAGAZINE'. The main header features the 'MJ Biz Daily' logo with the tagline 'Cannabis Business Info Since 2011' and a 'Get Our Newsletters' button. Below the header is a secondary navigation menu with categories: 'CULTIVATION', 'MANUFACTURING', 'RETAIL', 'LEGAL', 'FINANCE', and 'BY REGION'. A large advertisement banner for 'BUY 1 GET 1 FREE' with promo code 'BOGOWRAPS' is displayed. The article title is 'California localities extend tax relief to marijuana companies in absence of state action' by Jackie Bryant, dated February 28, 2022. Below the title are social media share icons for Facebook, Twitter, LinkedIn, and Email. The main content area contains a map placeholder with the caption 'A map showing California localities that are providing tax relief for the cannabis industry.' To the right of the map is a 'Latest News' sidebar with five article teasers. At the bottom of the article, there is a paragraph of text and a 'Leafly' advertisement for 'Grow your business'.

Home / Cultivation

## California localities extend tax relief to marijuana companies in absence of state action

By Jackie Bryant  
February 28, 2022 - Updated March 11, 2022

SHARE

A map showing California localities that are providing tax relief for the cannabis industry.

**Latest News**

- For some, US marijuana industry becoming a David-versus-Goliath battle
- Businesses, groups, unions and tribes spend millions lobbying Congress on marijuana issues
- Who's who in federal marijuana reform and legalization
- Minority marijuana companies need federal relief, advocate tells Congress
- How to stave off marijuana industry monopolies: Q&A with Shaleen Title

Since state lawmakers have been slow to lower marijuana taxes, local governments throughout California are scrambling to grant tax relief to cannabis businesses.

The tax rollbacks by cities and counties mainly reflect lobbying from industry organizations as well as local residents and businesses.

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March Magazine Issue





March Magazine Issue



They argue that taxation at all levels of the supply chain is simultaneously choking cannabis companies' ability to stay afloat while strengthening the illicit market.

The rush to grant tax relief began a couple of years ago and has since accelerated.

It has encompassed a range of localities, including the cities of Desert Hot Springs and San Diego as well as Humboldt and Sonoma counties.

"This is really a statewide issue," explained Natalynne DeLapp, executive director of the Humboldt County Growers Association.

All this comes against the backdrop of a historic [bear market for California wholesale cannabis prices](#), which plummeted last year in response to a supply glut.

Prices have only [recently begun to rebound](#).

The tax rollbacks also come amid accusations from operators, local lawmakers and industry insiders that the [state has not done enough](#) to properly address tax reform, among other ills, leading to what many are calling a crisis in California's cannabis industry.

Marijuana license holders in California are subject to a state cultivation tax of \$161 per pound, as well as a 15% excise tax, in addition to taxes levied by city and county officials.

In January, Gov. Gavin Newsom [pledged tax reform](#), though he was light on details.

Four bills at the state level addressing cannabis taxation have been introduced in the past few weeks: [Assembly Bill 2792](#), [AB 2506](#), [Senate Bill 1281](#) and [SB 1293](#).

SB 1281 appears to be the most comprehensive. Among other things, it would eliminate the cultivation tax and reduce the excise tax to 5%.

With constituents screaming for relief, localities are not waiting for any state tax changes to kick in, especially considering that such legislative actions wouldn't take effect until 2023, at the earliest.

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One of the most high-profile moves took place in Humboldt County on Feb. 7, when the Board of Supervisors voted to reduce by 85% the county cultivation tax locally known as Measure S.

Measure S previously required a \$1-\$3-per-square-foot payment, the amount of which was dependent on license type. Now, those fees will be calculated in the same manner, but growers will pay only 15% of the total amount.

Temporarily lowering the cultivation tax showed the county's "commitment to growers who have committed \$50 million to our local economy in the four years since Measure S was passed," Humboldt County Supervisor Rex Bohn said.

The reduction was met with some opposition from locals who believe cannabis growers got off easy by not having to pay taxes before legalization.

Bohn said this came into stark relief once it became clear that many of the same growers are now choosing to leave their gardens fallow rather than risk planting and paying taxes on marijuana flower they can't sell.

Though Humboldt might be one of the more significant of such actions taken, it's far from the only one.

"Most cities and counties set their local tax rates based on an assumption that cannabis businesses were going to be wildly profitable," DeLapp said.

"The reality is that, in many places, those tax rates are no longer sustainable, particularly for small and independent legacy businesses who are operating without outside capital."

Cannabis lobbyist Nara Dahlbacka, a partner at the Oakland-based Milo Group, said that while tax relief is needed both at the state and local levels, localities enacting reform can "also be a huge help on the red tape side" for businesses.

"In order to expand their (marijuana) businesses, there's a level of red tape and bureaucracy that have to be dealt with at the local and state levels," Dahlbacka said.

The following localities have, or are considering, cannabis tax reductions and relief:

The following localities have, or are considering, cannabis tax reductions and relief:

### **Humboldt County**

- This month, the Board of Supervisors voted to temporarily reduce its cultivation tax by 85% for one year.

### **Lake County**

- In January, the Board of Supervisors voted to postpone until May 15 the due date for cannabis tax payments and suspend the 25% late-payment penalty during the postponement. The board also directed staff to develop additional options for cannabis tax relief for ongoing discussion and voting in future meetings.

### **Monterey County**

- The Board of Supervisors is preparing to vote March 1 on an industrywide cultivation tax reduction, including eliminating automatic increases on all taxes and doing away with the distribution tax entirely.
- After freezing an automatic tax increase on growers previously scheduled for 2021-22, the board voted last October to increase the number of times growers could amend the taxable square footage of their crop canopy from once to twice per year.

### **Sonoma County**

- In January, the Board of Supervisors voted to postpone first-quarter taxes from Jan. 31 to April 30. Total taxes levied for both quarters will be due without penalties or interest on April 30 unless the board approves another extension.

### **Bellflower**

- In October 2020, local officials reduced taxes for manufacturing and distribution from 7.5% to 2% and 1%, respectively.

### **Berkeley**

- In February 2018, local officials reduced the cannabis tax rate from 10% to 5% to remain competitive in the Bay Area.

### **Cloverdale**

- The City Council is scheduled to vote on March 9 to reduce tax rates for all licensees and tier the tax rates for different types of licenses.

### **Desert Hot Springs**

- In February 2021, local officials reduced the tax for cultivation from \$25.50 per square foot to \$10.20 per square foot for cultivation.

### **Long Beach**

- In 2019, the city lowered manufacturing, distribution and testing taxes from 6% to 1%.
- In 2020, the City Council agreed to ditch a proposed tax increase and instead increased the hours of operation for cannabis retailers.

### **Oakland**

- In 2019, the City Council voted to lower the gross receipts tax on cannabis businesses that make \$500,000 or less from 10% to 0.12%.

**Palm Springs**

- In February 2019, local officials reduced the manufacturing tax from 10% to 2%.

**San Diego (city)**

- In February, **the City Council voted** to reduce the manufacturing and cultivation tax from 8% to 2%, effective May 1.

**San Francisco (city)**

- In December 2021, San Francisco authorities **approved a second one-year suspension** of the city’s marijuana business tax through 2023.

**San Jose**

- In July 2019, local officials reduced the flat-rate taxes of 10% to 4% for cultivation, 3% for manufacturing, 2% distribution and 0% for testing.

Additionally, according to Dahlbacka, the following localities have passed resolutions formally requesting the state to amend its cannabis taxes:

- Alameda County
- Calaveras County
- Lake County
- Mendocino County
- Monterey County
- San Francisco (city and county)
- Santa Cruz County
- City of Berkeley
- City of Desert Hot Springs
- City of Oakland
- City of Rio Dell

Jackie Bryant can be reached at [jacqbryant@gmail.com](mailto:jacqbryant@gmail.com).

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CULTIVATION

**NEW YORK HEMP FARMERS GIVEN PRIORITY TO GROW RECREATIONAL MARIJUANA**



**Attachment 4**



April 18, 2023

Dear Vice Mayor Bartlett:

On behalf of High Fidelity Dispensary, we are writing to support the proposed tax moratorium for Berkeley cannabis businesses.

Operating a licensed, profitable cannabis dispensary in California is now nearly impossible. Layer upon layer of taxation, coupled with punitive federal rules denying tax deductions for operating expenses -- while competing against the unlicensed, unregulated market -- makes this industry unsustainable for operators who play by the rules.

Now that many jurisdictions around Berkeley are lowering their cannabis tax rates, it is incumbent on this city to follow suit. It is our hope that a future tax rate once the moratorium sunsets is fair and equitable and takes into account the unique constraints endemic to this industry.

Thank you for your consideration,

David Prinz, Owner,

Marc Weinstein, Owner

High Fidelity Dispensary

Cc: Mayor and City Council



Disaster and Fire Safety Commission

ACTION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Weldon Bradstreet, Chairperson, Disaster and Fire Safety Commission

Subject: Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley

RECOMMENDATION

The Disaster and Fire Safety Commission (DFSC) is requesting that Berkeley City Council strongly recommend that The Department of Housing and Urban Development (HUD) owned Harriet Tubman Terrace Apartments install solar battery back-up battery capability to meet the medical needs of their residents during loss of electrical power and consider the same action for other HUD properties in Berkeley.

FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts to the City of Berkeley.

CURRENT SITUATION AND ITS EFFECTS

It has been brought to the DFSC's attention that during recent electrical power shutdowns residents in the Harriet Tubman Terrace Apartments were without electrical power for around 10 hours. Since this is a facility for the elderly and disabled this is a problem for those that need electricity for refrigeration of prescriptions and operation of some medical equipment. This facility is owned and operated by HUD. Since the building is currently undergoing a planned renovation it seems reasonable that such a requirement for the installation of a battery backup to meet the medical requirements of their residents be considered at this particular time. While there are other HUD owned properties in Berkeley, it is also a reasonable requirement that the Council consider such a requirement for them as well, however, that should be left for the Council to consider when that should be done.

BACKGROUND



Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley June 27, 2023

The Harriet Tubman Terrace Apartments, located at 2870 Adeline Street, is a 90-unit affordable housing community that was built in 1990. It is owned by HUD which selects a management system to operate it. It provides housing for adults 62 years or older and for adults with disabilities and as I understand, the facility is historically and currently at full occupancy.

The building is now undergoing a planned renovation. That renovation has proven to be controversial. We are not proposing that the Commission engage in the issues around renovation since that would not be within our purview. However, the renovation does provide an opportunity to address one issue that is within our purview, i.e. the health and safety of residents when electric power shut-offs occur. As we all know and expect, is that the loss of electrical power is likely to happen again in the future for periods of time that are not predictable. We believe that the issue of ensuring access to medical care during these times is within the purview of the Commission to address. However, it should be clear that this one issue is the only focus of this request for action being made by the Commission.

There is a reasonable solution in requiring the installation of a battery driven back up system which will generate enough electricity to maintain a central location within the facility to meet the essential medical needs of the residents.

#### ENVIRONMENTAL SUSTAINABILITY

Such a back-up should be powered by a solar panel rather than by a natural gas generator. Gas powered generators are noisy and result in complaints from neighbor properties and residents themselves. Solar powered back-ups are quiet. Environmentally friendly and cost less to operate.

#### RATIONALE FOR RECOMMENDATION

The existence of such a back-up not only would benefit the physical health of individual residents it would lessen the anxiety and panic over the loss of medical care for extended periods of time. Furthermore, as a sign of caring for the needs of everyone, it would contribute to an overall positive sense of being cared for by everyone living in the facility.

Vote: 5 Ayes: W. Bradstreet, T. Gordon, S. Dean, G. Murphy, H. Raines; 0 Noes; 2 Absent: J. Bedolla, A. Stein; 0 Abstain

#### ALTERNATIVE ACTIONS CONSIDERED

None.



Request That City Council Strongly Recommend That HUD-Owned Harriet Tubman Terrace Apartments Install Solar Battery Back-up Battery Capability To Meet Medical Needs Of Their Residents During Loss Of Electrical Power And Consider Same Action For Other HUD Properties In Berkeley June 27, 2023

CITY MANAGER

The City Manager does not concur with the content and recommendations of the Commission's Report. See Companion Report.

CONTACT PERSON

Keith May, Secretary, Disaster and Fire Safety Commission, 510-981-5508





Office of the Mayor

CONSENT CALENDAR

June 27, 2023

To: Members of the City Council

From: Mayor Jesse Arreguín

Subject: Contract No. 32000196 Amendment: Szabo &amp; Associates for Communications Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.

FINANCIAL IMPLICATIONS

This amendment will add \$78,000 to extend the Mayor's Office's existing contract for communications consulting services. The term of the contract will be extended by one year to June 30, 2024. Funds for this contract amendment are available from the Mayor's Office budget.

CURRENT SITUATION AND ITS EFFECTS

Under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance No. 7,566 and mandated under Article XI, Section 67.5 of the City Charter.

Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000. Since then, amendments have been made to extend the term of the contract. A new extension was approved by Council in July 2021, which was required as the increase in the cumulative amount of the contract went beyond the \$50,000 threshold, thus requiring Council approval.

In 2021 during the first contract extension, as a courtesy, bargaining unit members of SEIU CSU/PTRLA were advised by City of Berkeley Human Resources Department of this contract extension and offered the opportunity to meet. The services provided under this contract are not of the kind, nature or type of work presently performed by the bargaining unit members.

BACKGROUND

Under Article VI, Section 21 of the City Charter, the Mayor is the ceremonial head of the City. As such, the Mayor serves as a spokesperson for the City, and should provide consistent information to residents and businesses on the operations and policies of the

City. Providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City.

Services provided by Szabo & Associates include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, graphic design, and other support services relating to the communications from the Mayor's Office.

#### ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

#### CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

#### Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT: SZABO & ASSOCIATES FOR COMMUNICATIONS CONSULTING  
SERVICES FOR THE MAYOR'S OFFICE

WHEREAS, as the ceremonial head of the city under the City Charter, the Mayor must serve as a city spokesperson and provide consistent information to residents and businesses on the operations and policies of the City; and

WHEREAS, Szabo & Associates is a communications consulting firm whose services include development of press releases and media advisories on issues of importance to the Berkeley community, maintaining social media accounts, press coordination, and other support services relating to the communications; and

WHEREAS, providing open and transparent lines of communication is a cornerstone of democracy and good governance. Relaying critical information, such as communications during the ongoing local state of emergency in response to COVID-19, PG&E Power Safety Shutoff events, other critical events, and City policies and programs, are important to the health, safety and operation of the City; and

WHEREAS, under Berkeley Municipal Code Chapter 7.18.010A, "expenditures...which exceed the amount of \$50,000 shall require Council approval", as adopted under Ordinance No. 7,566 and mandated under Article XI, Section 67.5 of the City Charter; and

WHEREAS, Contract No. 32000196 was entered into on March 16, 2020, originally at \$35,000, with additional amendments having been made, and requires Council approval by passing the \$50,000 threshold; and

WHEREAS, in July 2021, Council approved Resolution No. 69,985-N.S. to increase the contract by \$78,000 and extending the contract to June 30, 2022; and

WHEREAS, in July 2022, Council approved Resolution No. 70,451-N.S. to increase the contract by \$78,000 and extending the contract to June 30, 2023; and

WHEREAS, funding for this amendment to extend the contract by one year is available in the Mayor's Office budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32000196 with Szabo & Associates for communications consulting services for the Mayor's Office, increasing the contract amount by \$78,000 for a new total not to exceed \$303,500, and extending the contract term to June 30, 2024.



**BEN BARTLETT**

VICE MAYOR

02a.45

CONSENT CALENDAR

June 27, 2023

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Ben Bartlett

Subject: *Reparations Now* Community Art Mural Restoration and Preservation

RECOMMENDATION

In recognition of the intention to restore a celebrated public art mural led and supported by the community in South Berkeley, we ask the Council preserve and protect the *Reparations Now* mural on Ellis Street (next to Malcolm X Elementary School) to continue the legacy of educational spaces for all community members to view it in the City of Berkeley.

BACKGROUND

Recently, the public mural on Ellis Street was painted over by staff from Public Works.<sup>1</sup> As a matter of urgency, Berkeley community members urgently wish to restore the colorful and impactful mural to the street pavement. As this space is alongside the Malcolm X Elementary School, community members, and parents have expressed the importance of restoring the mural to celebrate Juneteenth and continue the pursuit of reparations in Berkeley.

Other street murals, such as the “Ohlone Territory” and “Black Lives Matter” painted on Milvia Street and Martin Luther King Jr Way, respectively, have been created to serve as a visual reminder and message for the community.<sup>2</sup> These projects have previously been approved and supported by the City of Berkeley.

It should be noted that on a local level, reparations are being discussed within the Berkeley Unified School District and at the state level with the Governor of California. This art is a call to action to address the history of racial discrimination in South Berkeley and throughout our country and is seen as an opportunity to educate everyone in the community (no matter how young) about the importance of reparations. The mural will serve as a visual representation of the community's resilience and determination to address racial discrimination and promote inclusivity.

<sup>1</sup> Markovich, Ally. “Why the South Berkeley ‘Reparations Now’ Mural Was Painted Over.” *Berkeleyside*, 17 May 2023, <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>.

<sup>2</sup> Hahn, Sophie. “Black Lives Matter and Ohlone Recognition.” 9, June, 2020, [https://drive.google.com/file/d/1GGNRuOKGrxIWQ3xprQSa5wj60\\_WQoh6/view](https://drive.google.com/file/d/1GGNRuOKGrxIWQ3xprQSa5wj60_WQoh6/view)





**BEN BARTLETT**

VICE MAYOR

Through this collaborative effort, the community hopes to recreate a vibrant and thought-provoking mural that beautifies the neighborhood and catalyzes dialogue and action toward a more just and inclusive society.

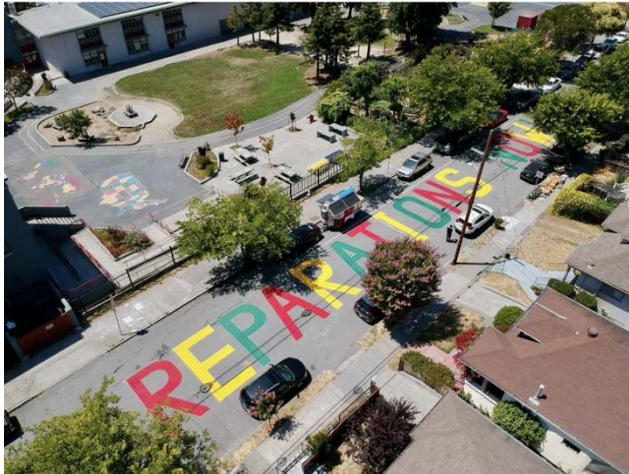


Photo courtesy of Berkeleyside. Credit to Todd Matthews<sup>3</sup>



Photo courtesy of Berkeleyside. Credit to Ximena Natera<sup>4</sup>

### ENVIRONMENTAL SUSTAINABILITY

No negative impact.

### FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact

### CONTACT PERSON:

Vice Mayor Ben Bartlett

James Chang

Nina (Wenxin) Li

Dafne Cruz Rodriguez

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[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)

510-981-7130

510-981-7131

<sup>3</sup> Markovich, Ally. "Berkeley School District Explores Giving Cash Payments to Students with Enslaved Ancestors." *Berkeleyside*, 24 Mar. 2023, <https://www.berkeleyside.org/2023/03/24/busd-reparations-program-berkeley-unified-school-district>.

<sup>4</sup> Markovich, Ally. "Why the South Berkeley 'Reparations Now' Mural Was Painted Over." *Berkeleyside*, 17 May 2023, <https://www.berkeleyside.org/2023/05/17/berkeley-reparations-now-mural-painted-over>.



Kate Harrison  
Councilmember, District 4

ACTION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
From: Councilmember Harrison  
Subject: Adopt an Ordinance Adding Chapter 12.39 to the Berkeley Municipal Code to Regulate Deconstruction and Construction Materials Management

RECOMMENDATION

1. Adopt an ordinance adding Chapter 12.39 to the Berkeley Municipal Code to regulate management of deconstruction and construction materials.
2. Refer to the November 2023 Budget AAO Process **\$[x]** to administer and enforce the ordinance.
3. Refer to the City Attorney's Office to conduct a nexus fee study for a potential social cost of carbon fee applied to landfilled construction and demolition debris.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

The accumulation, collection, removal and disposal of waste associated with construction, deconstruction and demolition activities needs to be regulated for the protection of the public health, safety and welfare, climate and natural environment.

According to the World Green Building Council, 11% of all energy-related carbon emissions result from building materials and construction activities.<sup>1</sup> These emissions are often referred to as “embodied carbon,” which the International Code Council defines “the carbon emissions released during the extraction, manufacturing, transportation, construction and end-of-life phases of buildings.”<sup>2</sup>

Emissions are not only embodied in new construction materials and activities, but also in those of the past. The current built environment represents the physical manifestation of past greenhouse gas emissions (GHGs), and given the imperative of rapidly reducing GHGs, such material must be prioritized for preservation, or reuse. Every part of the built environment, whether constructed with ancient redwood timber in the nineteenth century or Canadian Douglas fir and pine in the twenty-first, must be considered and valued

<sup>1</sup> “Bringing Embodied Carbon Upfront.” World Green Building Council, 25 Jan. 2023, <https://worldgbc.org/article/bringing-embodied-carbon-upfront/>.

<sup>2</sup> “Embodied Carbon.” ICC, 11 May 2021, <https://www.iccsafe.org/advocacy/embodied-carbon/>.

within the context of cumulative historic emissions and dwindling and nearly expired carbon budgets.

State law imperfectly addresses the end-of-life phases of buildings through the California Integrated Waste Management Act of 1989 and the California Green Building Code, which requires local governments to require fifty percent of construction debris be diverted from the landfill. Senate Bill 1374 further requires annual reporting to the state on progress made in the diversion of construction related materials, including information on programs and ordinances implemented and quantitative data, where available. In 2016, of Berkeley's total waste stream, 10% was from construction and demolition materials. As discussed below, this number is now likely much higher given the recent uptick in construction.

Additional required minimum diversion rates by project type are covered under the California Green Building Code and the City's local amendments in BMC Title 19 (2019), Buildings and Construction. As a minimum, the latest State code requires 65% of non-hazardous construction and demolition (C&D) waste to be reused *or* recycled. In addition, the State also requires recycling or reuse of 100% of excavated soil and land-clearing debris, concrete, and asphalt. Current requirements include a "Construction Waste Management Plan" survey and requirement to provide receipts of recycled and salvaged material. The extent of enforcement is unclear.

Existing laws fall short because there is no state or local requirement that requires property owners or developers to work with the City to develop an accountable plan to carefully take apart a building to maximize reusable materials, whether onsite or through a salvaging operation. In addition, recycling, an allowed alternative to reuse of demolition materials may not maximize capturing embodied carbon. For example, State law includes loopholes that allow a certain percentage of demolition materials to be 'recycled' as a cover to layers of trash in landfills.

This proposed ordinance aims to implement best practice methods for separation, handling, and delivery of deconstruction and construction site materials to maximize the salvage of building materials for reuse, to reduce the amount of C&D related materials disposed in landfills and to establish deconstruction and source separation requirements.

Other jurisdictions, such as Palo Alto and Portland, have implemented similar deconstruction ordinances. To protect public health, safety and welfare, climate and natural environment, it is in the public interest to adopt this ordinance.

## BACKGROUND

In 2021, the World Green Building Council warned that by 2050 “the [global] building stock is expected to double in size. Carbon emissions released before the built asset is used, referred to as ‘upfront carbon’, will be responsible for half of the entire carbon footprint of new construction between now and 2050, threatening to consume a large part of our remaining carbon budget.”<sup>3</sup> Viewed over the next 10 years, the window scientists view as critical to limiting catastrophic warming emissions, new embodied carbon represents a significant 72% of total building sector emissions.<sup>4</sup> Much of these emissions include those associated with the demolition of existing buildings and the new buildings that replace them.

*Buildings Magazine*, a trade magazine for facility managers and owners of commercial and public buildings, estimates that already an astounding 30% of all waste in the United States is construction and demolition waste. New construction is associated with an average of 3.9 pounds of waste per square foot while demolition yields an astounding 155 pounds of waste per square foot.<sup>5</sup>

When a building is haphazardly demolished to make way for new construction, not only are carbon emissions typically expended to tear it down and transport it for waste processing and disposal, but the former building, composed of many tons of carbon emissions and products arranged in a form useful to society, is rendered useless as waste, or much less useful to society as recyclable material. Instead, the builder replaces the demolished structure with new embodied carbon in constructing the new building, which generates new waste and additional emissions.

According to a 2011 study, even assuming a 30% increase in efficiency resulting from a newly constructed building, it takes 10 to 80 years for the newer and more efficiently operating building to ‘break even’ or offset the negative carbon impacts associated with replacing an average-performing existing building (not accounting for the “lost” carbon originally embodied in the original building).<sup>6</sup> The following figure demonstrates the

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<sup>3</sup> “Bringing Embodied Carbon Upfront.”

<sup>4</sup> Logan, Katharine. “Continuing Education: Embodied Carbon & Adaptive Reuse.” *Architectural Record* RSS, *Architectural Record*, 25 May 2022, <https://www.architecturalrecord.com/articles/15481-continuing-education-embodied-carbon-adaptive-reuse>.

<sup>5</sup> Monroe, Linda. *Diverting Construction Waste | Buildings*. <https://www.buildings.com/department/article/10192921/diverting-construction-waste>; See also, Sahabi, Ali. “Structural Retrofits Reduce the Carbon Footprint (Part 2 of 3) - USGBC-La.” *USGBC*, 25 Feb. 2023, <https://usgbc-la.org/2023/02/09/structural-retrofits-reduce-the-carbon-footprint-part-2-of-3>.

<sup>6</sup> “National Trust for Historic Places: Return to Home Page.” *The Greenest Building: Quantifying the Environmental Value of Building Reuse*, Preservation Green Lab of the National Trust for Historic Preservation, 2011, <https://forum.savingplaces.org/connect/community-home/librarydocuments/viewdocument?DocumentKey=227592d3-53e7-4388-8a73->

number of years required in Portland and Chicago for various forms of newly constructed efficient buildings replacing demolished inefficient buildings to ‘break even’ with or ‘overcome’ the new emissions associated with new construction (note: this figure does not include embodied emissions wasted as part of the original construction):

**Year Of Carbon Equivalency For Existing Building Reuse Versus New Construction**

This study finds that it takes between 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process. This table illustrates the numbers of years required for new, energy efficient new buildings to overcome impacts.

| Building Type                        | Chicago  | Portland |
|--------------------------------------|----------|----------|
| Urban Village Mixed Use              | 42 years | 80 years |
| Single-Family Residential            | 38 years | 50 years |
| Commercial Office                    | 25 years | 42 years |
| Warehouse-to-Office Conversion       | 12 years | 19 years |
| Multifamily Residential              | 16 years | 20 years |
| Elementary School                    | 10 years | 16 years |
| Warehouse-to-Residential Conversion* | Never    | Never    |

\*The warehouse-to-multifamily conversion (which operates at an average level of efficiency) does not offer a climate change impact savings compared to new construction that is 30 percent more efficient. These results are driven by the amount and kind of materials used in this particular building conversion. As evidenced by the study’s summary of results, as shown on page VII, the warehouse-to-residential conversion does offer a climate change advantage when energy performance for the new and existing building scenarios are assumed to be the same. This suggests that it may be especially important to retrofit warehouse buildings for improved energy performance, and that care should be taken to select materials that will maximize environmental savings.

7

Since 2011, the advent of new insulation and electrification technologies make renovating or adapting older buildings more competitive in terms of reducing existing onsite carbon emissions.<sup>8</sup> This ordinance takes the perspective that both the carbon avoided by reusing existing materials (as in the examples above) and the carbon used in the original construction need to be considered as impacts of C&D and be accounted for in addressing the climate emergency. In other words, existing buildings represent

c2861f1070d8&CommunityKey=00000000-0000-0000-0000-000000000000&tab=librarydocuments, p. VIII.

<sup>7</sup> Id.

<sup>8</sup> Id., p. 20

historic expenditures of carbon and demolition needs to be seen as both destroying the usefulness of past emissions and *contributing new emissions*.

The greenest building is the one that already exists.<sup>9</sup> The best way to avoid new carbon emissions, and to repurpose or restore the use value of existing emissions, is to preserve and renovate existing structures. To the extent that new or additional uses are needed, e.g., converting a single-family home into a multiplex, the lowest carbon path is to maintain as much of the original structure as possible with expansions and modifications as needed. Such a strategy maintains the integrity of the historic embodied carbon, and minimizes expenditure of new carbon emissions. For example, UC Berkeley's new Engineering Center includes adaptive reuse which UC states "will significantly lower the carbon emissions of the project, including more than a 90% reduction in demolition."<sup>10</sup>

A 2021 study conducted by ECONorthwest found that "conservatively speaking, residential and commercial demolitions in the City of Portland are responsible for 124,741 metric tons of CO<sub>2</sub> emissions per year, which amounts to approximately 4.5 percent of the City's total annual [emissions] reduction goal."<sup>11</sup>

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<sup>9</sup> Adam, Robert. "The Greenest Building Is the One That Already Exists." *The Architects' Journal*, 13 Aug. 2021, <https://www.architectsjournal.co.uk/news/opinion/the-greenest-building-is-the-one-that-already-exists>.

<sup>10</sup> "Engineering Center." *Berkeley Engineering*, 2 May 2023, [engineering.berkeley.edu/about/facilities/engineering-center/](https://engineering.berkeley.edu/about/facilities/engineering-center/).

<sup>11</sup> Oregon, Restore. "Understanding the Carbon Cost of Demolition." *Restore Oregon*, 1 Oct. 2021, <https://restoreoregon.org/2021/04/12/understanding-the-carbon-cost-of-demolition/>.



## Fight Climate Change with Restoration & Reuse

Oregon's existing buildings are among our greatest renewable resources.

### THE HIDDEN COST OF DEMOLITION & RECONSTRUCTION



**126 METRIC TONS OF CARBON**

Renovating a 1,500 SF older home, instead of tearing one down and replacing it with 3,000 SF of new construction, reduces CO2 emissions by 126 tons.



**1,383 METRIC TONS OF CARBON**

Renovating a 10,000 SF commercial building versus replacing it with a 20,000 SF structure, which uses more energy-intensive materials, reduces CO2 emissions by 1,383 tons.

### RENOVATION & REUSE PREVENT EMISSIONS



**44,048 GALLONS OF GAS**

A savings of 126 tons of embodied CO2 is roughly equivalent to preventing the emissions from 44,048 gallons of gasoline.



**464,127 GALLONS OF GAS**

The carbon savings for a commercial building is equivalent to preventing the emissions from 464,127 gallons of gasoline.

### LOOKED AT ANOTHER WAY...



**93 CARS OFF THE ROAD**

The average car uses 474 gallons of gasoline per year. Renovating just one older home, vs. demolishing/replacing it, equates to taking 93 cars off the road for an entire year.



**1,028 CARS OFF THE ROAD**

Renovating an existing commercial structure makes an even bigger impact as its renovation equates to taking 1,028 cars off the road for an entire year.

### DO THE MATH: IT REALLY ADDS UP!



From 2016-2020 in Portland, over 823 houses were demolished. That's equivalent to annual emissions from **76,480 cars!**



Over the same five years, 376 of Portland's commercial structures were razed. That's equivalent to annual emissions from **386,528 cars!**

Embodied energy is all the energy used constructing a building, including the creation of materials and building components as well as their transportation of the site.

12



### City of Berkeley’s Current Construction and Demolition Waste

A 2017 StopWaste Waste Characterization Study for Alameda County found that approximately 10% of Berkeley’s total waste tonnage in 2016 resulted from C&D debris.<sup>13</sup>

2017 Waste Characterization Study Design  
StopWaste of Alameda County, CA

SCS ENGINEERS

Exhibit 2. 2016 Annual Waste Quantities – Adjusted

| Originating Jurisdiction | MSW                                |               |                |               |                |                | C&D             |              |               | Special         |               |              |               | Unknown     | Total          |
|--------------------------|------------------------------------|---------------|----------------|---------------|----------------|----------------|-----------------|--------------|---------------|-----------------|---------------|--------------|---------------|-------------|----------------|
|                          | Davis Street TS                    | Berkeley TS   | BLT Ent TS     | Altamont LF   | Vasco Rd LF    | TOTAL          | Davis Street TS | Altamont LF  | TOTAL         | Davis Street TS | Altamont LF   | Vasco Rd LF  | TOTAL         | Vasco Rd LF |                |
| Alameda                  | 23,417                             | 36            |                |               | 344            | 23,796         | 1,283           | 135          | 1,418         |                 | 355           | 14           | 369           |             | 25,583         |
| Albany                   | 3,567                              | 364           |                |               | 2              | 3,933          | 1,023           |              | 1,023         |                 | 0             |              | 0             |             | 4,956          |
| Berkeley                 | 2,091                              | 47,014        |                | 171           | 76             | 49,352         | 5,269           | 5            | 5,274         |                 | 432           | 11           | 443           |             | 55,069         |
| Castro Valley SD         | INCLUDED IN Alameda Unincorporated |               |                |               |                |                |                 |              |               |                 |               |              |               |             |                |
| Dublin                   | 51                                 |               |                | 28,591        | 1,602          | 30,244         | 25              | 41           | 66            |                 | 97            | 60           | 158           |             | 30,468         |
| Emeryville               | 5,873                              | 166           |                |               | 16             | 6,056          | 3,051           |              | 3,051         |                 | 349           | 2            | 351           |             | 9,457          |
| Fremont                  | 417                                |               | 156,167        | 2             | 918            | 157,503        | 229             | 127          | 356           |                 | 305           | 347          | 652           |             | 158,510        |
| Hayward                  | 78,374                             | 233           | 7              | 104           | 1,341          | 80,058         | 20,320          | 190          | 20,510        | 290             | 1,915         | 264          | 2,468         |             | 103,036        |
| Livermore                | 100                                |               |                | 284           | 58,923         | 59,307         | 88              | 2,063        | 2,151         |                 | 562           | 601          | 1,163         |             | 62,621         |
| Newark                   | 69                                 |               | 28,946         | 0             | 39             | 29,054         | 34              | 2            | 36            |                 | 0             | 225          | 225           |             | 29,315         |
| Oakland                  | 148,509                            | 7,635         |                | 76            | 3,451          | 159,671        | 21,664          | 242          | 21,905        |                 | 7,430         | 434          | 7,864         |             | 189,441        |
| Oro Loma SD              | INCLUDED IN Alameda Unincorporated |               |                |               |                |                |                 |              |               |                 |               |              |               |             |                |
| Piedmont                 | 39                                 | 135           |                |               | 9              | 183            | 69              |              | 69            |                 | 17            |              | 17            |             | 269            |
| Pleasanton               | 158                                |               |                | 8             | 94,690         | 94,856         | 297             | 985          | 1,282         |                 | 203           | 403          | 606           |             | 96,744         |
| San Leandro              | 31,752                             | 213           |                | 50            | 39,003         | 71,018         | 5,513           | 10           | 5,523         | 4,231           | 375           | 389          | 4,994         |             | 81,535         |
| Unincorporated           | 25,713                             | 175           |                | 756           | 3,236          | 29,879         | 3,471           | 185          | 3,656         | 358             | 1,164         | 181          | 1,703         | 262         | 35,499         |
| Union City               | 791                                |               | 34,342         | 2             | 69             | 35,204         | 74              | 2            | 76            |                 | 399           | 2,318        | 2,717         |             | 37,998         |
| <b>Total</b>             | <b>320,920</b>                     | <b>55,971</b> | <b>219,462</b> | <b>30,043</b> | <b>203,719</b> | <b>830,114</b> | <b>62,411</b>   | <b>3,986</b> | <b>66,397</b> | <b>4,879</b>    | <b>13,602</b> | <b>5,250</b> | <b>23,731</b> | <b>262</b>  | <b>920,503</b> |

1. Removed 4,000 tons of Special Waste disposed of at Altamont Landfill from City of Alameda
2. Removed 18,800 tons of MSW disposed of at Berkeley TS from City of Berkeley
3. Removed 20,662 tons of MSW disposed of at Altamont LF from City of Newark; and removed 27,357 tons of Special Waste disposed of at Altamont LF from City of Newark

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This study predates the recent building boom associated with new local and statewide housing policies, economic developments, and COVID-19 related renovation trends. It may also not capture cross-jurisdictional disposal of waste.

A snapshot for the twelve months preceding April, 2023 suggests a substantial increase in C&D as compared to StopWaste’s 2016 study. As reported through the City’s Green Halo Systems dashboard, C&D waste was more than 18,000 tons, a staggering 244% increase from 2016 levels. Of this material, the City reported that only 567 tons were

<sup>12</sup> Id.

<sup>13</sup> “Alameda County 2017-18 Waste Characterization Study.” StopWaste - A Public Agency Reducing Waste in Alameda County, StopWaste, 5 Sept. 2018, <https://www.stopwaste.org/resource/alameda-county-2017-18-waste-characterization-study>.

<sup>14</sup> Id.

reused while 2,530 tons were disposed (landfill), and 15,073 recycled.<sup>15</sup> The distribution of materials within each distinct material category is not clear. The Green Halo dashboard summarizes overall C&D by category over the same period as follows:

| MATERIAL                           | IN TONS   | RATE   |
|------------------------------------|-----------|--------|
| 1 Concrete                         | 10,839.63 | 58.74% |
| 2 Mixed C & D Debris               | 4,762.22  | 25.80% |
| 3 Asphalt - Pavement & Grinding    | 661.01    | 3.58%  |
| 4 Deconstructed & Reuse Items      | 567.24    | 3.07%  |
| 5 Bricks, Masonry & Stone Products | 474.15    | 2.57%  |
| 6 Dirt/Soil-Clean Fill             | 320.97    | 1.74%  |
| 7 Metal                            | 286.43    | 1.55%  |
| 8 Waste (Trash)                    | 207.81    | 1.13%  |
| 9 Drywall - Clean/Unpainted        | 198.87    | 1.08%  |
| 10 Wood - Clean                    | 136.52    | 0.74%  |

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### City of Berkeley's Current Approach to C&D Waste

In furtherance of state law regulating C&D debris,<sup>17</sup> the Building and Safety Permit Service Center currently maintain a "Construction Waste Management Plan"<sup>18</sup> form applicable to the following projects:

1. Any non-residential projects requiring building permits.
2. Residential new buildings.
3. Residential projects that increase a building's conditioned area, volume, or size.
4. Residential projects valued over \$100,000.
5. Demolition permits valued over \$3,000.

Projects are asked to disclose generally which methods they intend to use to reduce waste during construction:

<sup>15</sup> City of Berkeley Recycling Center, City of Berkeley, Powered by Green Halo Systems and City of Berkeley, 5 Apr. 2023, <https://berkeley.wastetracking.com/>.

<sup>16</sup> Id.

<sup>17</sup> A minimum of 65% of the waste generated by construction and demolition activities must be diverted away from landfill disposal through any combination of recycling, salvage, reuse or composting. 100% of asphalt, concrete, and land clearing debris must be recycled.

<sup>18</sup> Form #172 Construction Waste Management Plan - Berkeley, California. Building and Safety Permit Service Center, 19 Mar. 2021, <https://berkeleyca.gov/sites/default/files/2022-02/Waste%20Management%20Plan.pdf>.

**Construction Methods**

The following methods will be used to reduce waste generated during construction:

- Efficient design
- Careful and accurate material ordering
- Careful material handling and storage
- Panelized or prefabricated construction
- Deconstruction/salvage/reuse
- Other:  19

Applicants then complete a more detailed “Construction Waste Management Plan” through the Green Halo web platform.

In addition, the form asks for information about weight tickets for disposed and recycled materials and photos of any salvaged/reused materials. This data is then uploaded and processed via the City’s Green Halo dashboard.

**Diversion Documentation**

Submit a Construction Waste Management Plan via Green Halo at [www.berkeley.wastetracking.com](http://www.berkeley.wastetracking.com). Prior to permit final, weight tickets for all materials disposed and recycled must be uploaded. Photos are acceptable for salvaged/reused materials.

Green Halo Tracking Number:

I understand the waste diversion requirements of Berkeley Municipal Code Section 19.37 and submit this Construction Waste Management Plan pursuant to California Green Building Standards Code Section 4.408.2 or 5.408.1.1.

|                                          |                                          |                                          |
|------------------------------------------|------------------------------------------|------------------------------------------|
| <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> | <input style="width: 95%;" type="text"/> |
| Name                                     | Signature                                | Date                                     |

**Ordinance Overview: New Requirements**

Drawing inspiration from neighboring jurisdictions such as Palo Alto and Portland, the proposed ordinance moves beyond the state’s simple percentage-based diversion, recycling, and reuse requirements, and towards defining specific building components that are potentially reusable and requiring a salvage survey provided by the City, a reuse organization, or other third party approved by the City. These reporting requirements would need to be met prior to the issuance of a demolition permit. The survey is aimed at itemizing the potential materials and items eligible for salvage and reuse and the estimated weights, preparing the builder for source separation, and connecting builders directly to salvaging experts who may be able to connect the builder to organizations

<sup>19</sup> Id.

<sup>20</sup> Id.

who can accept or purchase their material for reuse. The size thresholds would remain the same as in the current statute.

This approach is more proactive than state rules, which rely on the judgment of the builder, to avoid incentivizing (1) more destructive techniques of traditional demolition, and (2) recycling instead of reuse. In addition, the City now only requires the builder to self-certify that disposed material was diverted after demolition occurs (as opposed to a detailed site survey that estimates weights before demolition occurs).

The ordinance also requires deconstruction, which is defined as “the systematic and careful dismantling of a structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials and parts for reuse and recycling.”

Upon completion of the deconstruction and source separation of materials, the applicant or person responsible for the project shall ensure the items listed on the salvage survey are delivered to, collected by or received by, and certified by a reuse organization or other third party approved by the City, and shall submit to the City proof of delivery of salvage items in accordance with City regulations. This process creates a chain of custody of environmentally, labor, and carbon intensive resources, and incentivizes builders to prioritize designs and projects that minimize demolition in favor of adaptation.

In addition, this item includes a referral to the City Attorney’s office to conduct a nexus fee study in connection with a potential social cost of carbon fee applied to landfilled construction and demolition debris.

#### FISCAL IMPLICATIONS

Staff time will be needed to administer and enforce the ordinance, and to coordinate with approved salvage operations.

#### ENVIRONMENTAL SUSTAINABILITY

Restoring or adapting embodied carbon in buildings is significantly less carbon intensive than demolition and new construction. In instances where restoration and adaptation are not feasible, reuse of materials through deconstruction is superior to traditional demolition techniques.

#### CONTACT PERSON

Councilmember Kate Harrison, Council District 4, (510) 981-7140

ORDINANCE NO. –N.S.

ADDING CHAPTER 12.39 TO THE BERKELEY MUNICIPAL CODE TO REGULATE  
DECONSTRUCTION AND CONSTRUCTION MATERIALS MANAGEMENT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 12.39 of the Berkeley Municipal Code is added to read as follows:

**Chapter 12.39**

**DECONSTRUCTION AND CONSTRUCTION MATERIALS MANAGEMENT**

**Sections:**

- 12.39.010 Findings and purpose.**
- 12.39.020 Definitions.**
- 12.39.030 Applicability.**
- 12.39.040 Salvage survey and reuse required.**
- 12.39.050 Deconstruction and source separation of materials.**
- 12.39.060 Material collection**
- 12.39.070 No unauthorized containers.**
- 12.39.080 Exclusions.**
- 12.39.090 Administration by City Manager.**
- 12.39.100 Enforcement and penalties.**
- 12.39.110 Severability.**
- 12.39.120 Construction.**
- 12.39.130 Effective Date.**

**12.39.010 Findings and purpose.**

The Council of the City of Berkeley finds and declares as follows:

- A. The accumulation, collection, removal and disposal of waste associated with construction, deconstruction and demolition activities must be controlled for the protection of the public health, safety and welfare, and the natural environment.
- B. State law addresses this need through the California Integrated Waste Management Act of 1989 and the California Green Building Code, which requires local governments to require fifty percent of construction debris be diverted from the landfill, and Senate Bill 1374, which requires annual reporting to the state on progress made in the diversion of construction related materials, including information on programs and ordinances implemented and quantitative data, where available. Required minimum diversion rates by project type are covered under the California Green Building Code and the City's local amendments in Title 19, Buildings and Construction, of this code.
- C. The City's Solid Waste Management Plan (1996 and 2000), the Source Reduction and Recycling Element (1992) and the Climate Action Plan (2009) are the City's most recent documents guiding the City's efforts toward its goal of zero waste.
- D. In 2005, the City Council adopted a Zero Waste Goal to eliminate Berkeley's materials sent to landfills by the year 2020. The Resolution and Goal reference a goal of 90% and 100% for the diversion of all materials being landfilled. Since 2012, there has been continuous year to year overall increase of disposal tonnage and with the ongoing market conditions for recyclable materials, the achievement of this Goal proved unattainable by 2020.
- E. In 2019, the Council adopted amendments to Chapter 4 of the California Green Buildings Code to require recycling and/or salvage for reuse requirements for most non-residential and substantial residential construction projects of 100% of excavated soil and land-clearing debris, 100% of concrete, and 100% of asphalt, and 65% of all non-hazardous construction and demolition waste.
- F. Between 2021 and 2022 the City and its partners processed more than 53,000 tons of construction and demolition materials with a reported 77.15% recovery rate.
- G. At the same time, Berkeley's construction and demolition processing facility reported that as of November 2022, 62.78% of demolition debris and 57.42% of facility-wide construction and debris was used as alternative daily cover for landfills, representing an inefficient use of embodied carbon.
- H. The City may adopt, implement, and enforce requirements, rules and regulations for local reuse and recycling of materials that are more stringent or comprehensive than California law, and this chapter establishes local requirements to further both state law and the City's adopted policies.
- I. This chapter's goals are to implement best practice methods for separation, handling, and delivery of deconstruction and construction site materials to maximize the salvage of building materials for reuse, to reduce the amount of construction and deconstruction related materials disposed in landfills and to establish deconstruction and source separation requirements.
- J. The requirements of this chapter are in addition to, the requirement in Chapter 19.37.040 of this code to achieve a specified diversion of materials generated from an applicable construction project.

**12.39.020 Definitions.**

For purposes of this chapter, terms defined in Chapter 12.32 shall have the same meanings in this chapter. The following terms shall have the ascribed definition for the purposes of applying the criteria of this chapter and other chapters as referenced.

A. "Approved facility" means a reuse, recycling, composting, or materials recovery facility which the director has determined can accept diverted materials, has obtained all applicable federal, state and local permits, and is in full compliance with all applicable regulations for reuse, recycling, composting, and/or materials recovery.

B. "Applicant" means (a) any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for, or who is issued, the applicable permits to undertake a construction, expansion, remodeling, or demolition project within the City of Berkeley, and (b) the owner of the real property that is subject to the permit.

C. "Construction and demolition debris" or "construction and deconstruction materials" means (a) discarded materials generally considered to be non-water soluble and non-hazardous in nature (as defined by California Code of Regulations, Title 22, § 66261.3 et seq.), including but not limited to, metal, glass, brick, concrete, porcelain, ceramics, asphalt, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, including rocks, soil, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project; and (b) remnants of new materials, including but not limited to, cardboard, paper, plastic, wood, glass and metal from any construction, renovation and/or landscape project.

D. "Contractor" means any person or entity holding, or required to hold, a contractor's license under the laws of the State of California, and who performs any construction, deconstruction, demolition, remodeling, renovation, or landscaping service relating to buildings or accessory structures in the City.

E. "Covered project" means any project that is required to comply with the provisions of this chapter, as described in Section 12.39.030.

F. "Deconstruction" means the systematic and careful dismantling of a structure, typically in the opposite order it was constructed, in order to maximize the salvage of materials and parts for reuse and recycling.

G. "Demolition" means the partial or complete destroying, tearing down, dismantling or wrecking of any building or structure.

H. "Diversion" means any activity, including recycling, source reduction, reuse, deconstruction, or salvaging of materials, which causes materials to be diverted from disposal in landfills and instead puts the material to use as the same or different usable product.

I. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new or reconstituted products which meet the quality standards necessary to be used in the marketplace. This term does not include transformation as that term is defined in Public Resources Code section 40180.

J. "Reuse" means further or repeated use of materials or items, including sale or donation of items, but not including recycling.



K. "Reuse organization" means an organization approved by the City to provide salvage surveys and accept materials or items for reuse.

L. "Salvage" means the controlled removal of items and material from a building, construction, or demolition site for the purpose of on- or off-site reuse, or storage for later reuse. Examples of items that may be salvaged include air conditioning and heating systems, columns, balustrades, fountains, gazebos, molding, mantels, pavers, planters, quoins, stair treads, trim, wall caps, bath tubs, bricks, cabinetry, carpet, doors, ceiling fans, lighting fixtures, electrical panel boxes, fencing, fireplaces, flooring materials of wood, marble, stone or tile, furnaces, plate glass, wall mirrors, door knobs, door brackets, door hinges, marble, iron work, metal balconies, structural steel, plumbing fixtures, refrigerators, rock, roofing materials, siding materials, sinks, stairs, stone, stoves, toilets, windows, wood fencing, lumber and plywood.

M. "Source separated single recyclable materials" means recyclable materials that are separated from other recyclable materials or solid waste and placed in separate containers according to type or category of materials and directly marketed as a single commodity.

#### **12.39.030 Applicability**

This chapter shall be applicable to all residential and commercial projects that include a whole structure demolition requiring a demolition permit. However, this chapter shall not apply to any project for which the completed demolition permit application was submitted to the City prior to [x].

#### **12.39.040 Salvage survey and reuse required.**

A. All applicants and other persons who undertake a covered project shall complete a salvage survey provided by the City, a reuse organization, or other third party approved by the City, prior to the issuance of a demolition permit. The survey shall itemize the materials and items eligible for salvage and reuse and the estimated weights.

B. Upon completion of the deconstruction and source separation of materials, the applicant or person responsible for the covered project shall ensure the items listed on the salvage survey are delivered to, collected by or received by, and certified by a reuse organization or other third party approved by the City, and shall submit to the City proof of delivery of salvage items in accordance with City regulations.

#### **12.39.050 Deconstruction and source separation of materials.**

A. All applicants and other persons who undertake a covered project where materials can be recycled or composted shall deconstruct buildings and structures in a manner to divert the maximum feasible amount of materials and debris from disposal in landfills. All construction and deconstruction materials shall be source separated. Materials to be source separated for recycling include, but are not limited to, steel, glass, brick, concrete, asphalt, roofing material, pipe, gypsum, sheetrock, lumber, wood, pallets, rocks, sand, soil, clean cardboard, paper, plastic, carpet, wood and metal scraps. Materials to be composted include, but are not limited to, trees, shrubs, plant cuttings, food scraps, and other material as designated by the City.

B. All persons undertaking a covered project shall submit proof of reuse, recycling and composting in accordance with City regulations.

C. The City, or its collector at City's direction, shall be authorized to inspect, upon reasonable notice, and audit individual waste streams generated at covered projects to determine compliance with this section.

**12.39.060 Material collection.**

Projects using a container provided by the City's collector pursuant to the provisions of Chapter 12.32 shall be deemed to have complied with the requirement to take construction and deconstruction related waste and source separated materials to an approved facility. Persons using any other method of collection shall dispose of such debris at an approved facility in accordance with City regulations.

**12.39.070 No unauthorized containers.**

No person other than the City's collector may place containers within the City of Berkeley.

**12.39.080 Exclusions.**

The provisions of this chapter shall not apply to the following:

- A. Dangerous Structures. Any building or structure that has been determined by the City to be dangerous, structurally unsafe or otherwise hazardous to human life, and is required to be abated by demolition.
- B. No Suitable Materials. Any building or structure that does not have materials that are suitable for reuse, recycling, or compost, as determined by the Director of Public Works. Materials unsuitable for reuse, recycling, or compost include insulation, painted or treated wood, rubber, and non-recyclable plastics.
- C. De Minimus Exception. The Director of Public Works may waive any of the requirements of this chapter if documentation satisfactory to the director is provided to establish that the materials are not reusable, recyclable or compostable, the materials are incidental in quantity, or providing appropriate containers at the particular site would be unduly difficult.

**12.39.090 Administration by City Manager.**

- A. The City Manager shall adopt written rules and regulations, not inconsistent with this chapter, as may be necessary for the proper administration and enforcement of this chapter.
- B. The City Manager shall resolve all disputes concerning the administration or enforcement of this chapter, and their decision shall be final.

**12.39.100 Enforcement and penalties**

- A. The Director of Public Works shall have primary responsibility for enforcement of this chapter. The Director of Public Works is authorized to take any and all other actions reasonable and necessary to enforce this chapter.
- B. Violation of any provision of this chapter shall be subject to the provisions and penalties set forth in Title 1 of the Municipal Code unless otherwise specified.
- C. The remedies and penalties provided in this section are cumulative and not exclusive.

**12.39.110 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this Chapter, or any application thereof to any person or circumstance is declared void,

unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Chapter, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The City Council hereby declares that it would have passed this title, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

**12.39.120 Construction.**

This Chapter is intended to be a proper exercise of the City's police power, to operate only upon its own officers, agents, employees and facilities and other persons acting within its boundaries, and not to regulate inter-City or interstate commerce. It shall be construed in accordance with that intent.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Zero Waste Commission

INFORMATION CALENDAR  
June 27, 2023

To: Honorable Mayor and Members of the City Council  
 From: Zero Waste Commission  
 Submitted by: Steve Sherman, Chair, Zero Waste Commission  
 Subject: Zero Waste Commission Fiscal Year 2023-24 Work Plan

INTRODUCTION

The Zero Waste Commission (ZWC) is responsible for making recommendations on city-wide zero waste policies and goals, including commercial and residential refuse, recycling, and compost services, hard to recycle materials programs, budgets, rates, and other decisions relating to reducing solid waste in the City of Berkeley. The ZWC adopted the FY 2023-24 Work Plan on May 23, 2023.

M/S/C: Ayes: 4 ; Abstain: 0 ; Absent: (2)

CURRENT SITUATION AND ITS EFFECTS

Over the last few years, the City of Berkeley, along with the rest of the world, has made its best efforts to survive during Covid-19. Operations and staff have suffered from low-staffing/high vacancies following the initial lock-down period and subsequent supply-chain issues and labor shortage. The City of Berkeley is enacting important changes and improvements to its Zero Waste services and long-term plans, including:

- Continuing the process to design and build the replacement of the Solid Waste & Recycling Transfer Station (SW&RTS), which is currently nearing submission for the required CEQA process,
- Adapting to changes in the recycling export markets and determining which materials should be accepted in any of our streams, and assessing what else can be diverted from landfill through near approaches and partnership programs,
- Berkeley's compliance with SB1383 and its Food Recovery Mandates,
- Implementing the Single Use Foodware and Litter Reduction Ordinance and Pre-check Bag Reduction Ordinance
- Participating in the Zero Waste Strategic Plan Development process, and
- Reviewing and recommending to Council which State and Regional Bills to support in order more gainfully achieve our zero waste goals.

ZWC supports the development of the Zero Waste Strategic Plan, and SW&RTS replacement, as well as seeks to evaluate and/or recommend new or proposed local

legislation or programs that could target some remaining components of avoidable waste in our community.

These projects advance the City’s Strategic Plan goals to:

1. Provide state-of-the-art, well-maintained infrastructure, services, and facilities
2. Be a global leader in addressing climate change, advancing environmental and social justice, and protecting the environment.

The following goals have been identified for the upcoming year:

| Goal                                                                                                          | Resources                                                                                                           | Program activities                                                                                                                                                                                          | Outputs                                                                                                                                                                           | Outcomes                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| Transfer Station Rebuild                                                                                      | City Staff, Consultants (when hired)                                                                                | Stay abreast of CEQA progress status; Consultant presentation for next phase TBD                                                                                                                            | Recommendations to Council as appropriate when process proceeds to next phase.                                                                                                    | State-of-the-Art facility that replaces outdated, aged structure; increase public interaction.                                                     |
| Zero Waste Strategic Plan                                                                                     | Abbe & Associates, City Staff                                                                                       | Presentations for updates ZW plan throughout process (total 3). Disseminate information to increase public input, including individual commissioners.                                                       | Recommendations to Council as needed.                                                                                                                                             | To support the development of a comprehensive and detailed plan suited to achieve City’s ZW goals.                                                 |
| Food Recovery and Organics Diversion SB1383                                                                   | City Staff, Community Partners                                                                                      | Continue updates from staff, explore community compost opportunities, invite Berkeley Food Network to present.                                                                                              | Recommendations to Council as needed.                                                                                                                                             | To help achieve compliance with SB1383 requirements and promote local resiliency.                                                                  |
| Zero Waste Ordinances (SU Foodware & Litter Reduction, Pre-Check-out Bags Reduction, future & proposed, etc.) | City Staff, Ecology Center, UC Berkeley/Cal Zero Waste, Grocery Association/BIDs                                    | Review progress of Foodware Reduction Ordinance; offer staff support for successful implementation of Pre-checkout Bag Reduction Ordinance. Explore sustainable alternatives for banned materials/products. | Recommendations to Council as needed.<br><br>Support Reusables Foodware Pilot program with recommendations.<br><br>Engender community partnerships for innovative reuse programs. | To increase Council’s awareness of status an ordinance’s Implementation progress and/or viability of implementation plan.                          |
| Review & Assessment of Accepted Materials: Inclusion or Exclusion in City Collection Services                 | City Staff, Urban Ore, CCC, Ecology Center, CAW, NCRA, CPSC, Status of Materials Markets, StopWaste, Local Partners | Presentations at ZWC by community partners, specialists.<br><br>Review existing ordinances and recommend changes; support or suggest                                                                        | Commission feedback to City Partners and Council                                                                                                                                  | To help Council have an accurate understanding of our collection services and if they are achieving our ZW and environmental/social justice goals. |

| Goal                                                                                           | Resources                                          | Program activities                                                                                         | Outputs                             | Outcomes                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
|                                                                                                |                                                    | new or proposed ordinances.                                                                                |                                     |                                                                                                                       |
| Review of State & Regional Proposed Legislation/Bills that the City of Berkeley Should Support | City Staff, Californians Against Waste, CPSC, NCRA | Presentations by outside organizations that align with City's ZW goals.<br><br>Research/vet proposed laws. | Recommendations for Council Support | To establish strong State and Regional Laws that support our ZW goals and potentially reduce staff time to implement. |

**BACKGROUND**

- Transfer Station Replacement: Community meetings were held in 2019 for design of replacement input. First Carbon Solutions has been retained to conduct the CEQA certification process for the replacement project.
- Zero Waste Strategic Plan: Currently in progress.
- Food Recovery & Organics Diversion SB 1383 requires reduction of organic waste disposal 50% by 2020 and 75% by 2025. Starting in 2022, all CA jurisdictions will need to provide organic waste collection services to all residents and businesses. Berkeley will be required to use products made from this recycled organic material, such as renewable energy, compost, and mulch. Food service businesses must donate edible food to food recovery organizations. This will help feed the almost 1 in 4 Californians without enough to eat. California has a 2025 goal to rescue 20% of edible food currently thrown away, and redirect it.
- Single-Use Foodware & Litter Reduction Ordinance: All of the phases of the ordinance have been enacted. Phase 2, requiring disposable foodware to be compostable and includes a 25 cent charge for disposable cups, took effect on 1/1/2020. Phase 3, mandating reusables for dine-in, took effect on 7/1/2020. Enforcement of all phases was relaxed due to the pandemic; staff is currently aggressively working to affirm and monitor compliance.
- Plastics - Feasibility of Recyclability: Due to declining infrastructure/operations and unreliable markets for many grades and compositions of plastics, the City's municipal collection program will require reassessment of which plastics should be acceptable in its stream, and how to locate and support new regional facilities for processing materials that currently have markets out of the region, State or country.
- Proposed State and Regional Legislation that Council Can Support: Berkeley can officially show support for proposed legislation that helps to further the City's current zero waste goals.

**ENVIRONMENTAL SUSTAINABILITY**

Potential to reduce quantity of material sent to landfill and reduce consumption of new materials.

POSSIBLE FUTURE ACTION

Future Action Items that ZWC may send to City Council include:

- Recommendation to support a Regional Deconstruction Ordinance
- Recommendation to adopt the new Zero Waste Strategic Plan
- Resolution to support a Citywide Reusable Food Container program
- Resolution to support an expanded coordinated effort with UCB during Cal moveout months

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Reusable Food Container pilot program and other reuse programs require funding.

CONTACT PERSON

Julia A. Heath, Recycling Program Manager, Public Works, (510) 981-6357



### Upcoming Worksessions and Special Meetings

*start time is 6:00 p.m. unless otherwise noted*

| Scheduled Dates  |                                                                                                                |
|------------------|----------------------------------------------------------------------------------------------------------------|
| June 13 (4:00pm) | 1. Fire Dept Standards of Coverage and Community Risk Assessment                                               |
| June 20 (WS)     | 1. Climate Action Plan and Resilience Update<br>2. Berkeley Economic Dashboards 2022                           |
| July 11 (4:00pm) | 1. Dispatch Needs Assessment Presentation                                                                      |
| July 18 (WS)     | 1. Ashby BART Transit Oriented Development (TOD)<br>2. City Policies for Managing Parking Around BART Stations |
| July 25 (4:00pm) | 1. Draft Waterfront Specific Plan                                                                              |

### Unscheduled Workshops and Special Meetings

None

### Unscheduled Presentations (City Manager)

None

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | <i>No items to be scheduled</i>                                                                          |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 705 Euclid Avenue (new single family dwelling)                              | ZAB                  |                       | 9/26/2023         |
| 2720 Hillegass Avenue - Willard Park (construct community center)           | ZAB                  |                       | 7/24/2023         |
| 3000 Shattuck Avenue - (construct 10-story mixed-use building)              | ZAB                  |                       | 9/26/2023         |
| 1598 University Avenue - (construct 8-story mixed-use building)             | ZAB                  |                       | 10/3/2023         |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

6/8/2023





Lori Droste  
Councilmember, District 8

On March 14, 2023, the City Council referred the relevant concepts of this item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process.

Action Calendar  
March 14, 2023

**To:** Honorable Mayor Jesse Arreguín and Members of the City Council

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.



If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendaized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendaize these additional items.

### **Sunnyvale**

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

Councilmember Lori Droste (legislative aide Eric Panzer)

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**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

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November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
 LaTanya Bellow, Deputy City Manager  
 Jenny Wong, City Auditor  
 Mark Numainville, City Clerk  
 Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## **Attachment 1: Selected list of program, project, referral, and audit finding impacts**


### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)





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